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# From Subject to Citizen and From Slave to Freedman: Labor Contracts at Two Moments of American Transition

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## Introduction

How does law govern labor? Furthermore, how does the law relate to everyday work practices? The labor contracts from Revolution-era America and from Civil War-era America help answer these questions. To begin, let us compare a Northern apprentice's labor contract from 1771 to a Southern freedmen's labor contract from 1866. The apprentice contract of child Anthony Haswell from 1771 (Figure 1), and the 1866 labor contract of freeman Franklin Garrison (Figure 2) look almost identical. Both contracts are pre-printed, form-contracts. The fill-in-the-blank style illuminates the pervasiveness of labor contracts both in 1771 and in 1866. Contracts were so standardized and so ubiquitous that a master could simply fill-in-the-blanks to procure him/herself a laborer. Even the language is the same. Anthony Haswell, the fifteen-year-old apprentice, was "bound" to his master, while Franklin Garrison, age twenty-one, was also "bound" to his. Anthony Haswell had to "behave himself towards his master."<sup>1</sup> Similarly, Franklin Garrison had to "work faithfully for the said Finch."<sup>2</sup> Haswell's master was to provide him with "sufficient and wholesome Meat and Drink, with Washing, Lodging, Clothing."<sup>3</sup> Along the same lines, Garrison's employer was also to provide him with "quarters, fuel, substantial and healthy rations."<sup>4</sup> The striking similarities between the two contracts point to the high probability that the Northern apprentice contracts were used as models for the freedmen's labor contracts. The Freedmen's Bureau routinely "invoked apprenticeship laws" when applying them to the Southern freedmen's labor contracts.<sup>5</sup> What was created for fifteen-year-old Anthony Haswell was applied to twenty-one-year-old Franklin Garrison. By the time the freemen's labor contracts

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<sup>1</sup> *Labor Contract for Anthony Haswell*. 1771. From the Indentures Collection at the American Antiquarian Society (Worcester, MA). Figure 1.

<sup>2</sup> *Labor Contract Between Finch and Garrison*; 1866. From the U.S. National Archives. Figure 2.

<sup>3</sup> Haswell (1771).

<sup>4</sup> Finch-Garrison (1866).

<sup>5</sup> Steven Mintz, *Huck's Raft* (America: Harvard University Press, 2004), 114.

were introduced by the Freedmen's Bureau post Civil War, the Northern apprenticeship system had practically died out entirely. For the freedmen, the contracts never intended to teach the "art and mystery" of a craft, thereby leaving out the educational goals of the apprentices' contracts entirely. The labor system applied to the freedmen was not only misappropriated to them, but it was also quite antiquated.

The American Revolution and the Civil War represent moments of transition. Around the time of the revolution, subjects became citizens. The Revolution gave individuals the unusual power to completely change their social and economic standing for the first time ever through the formation of a Republican form of government. Around the time of the Civil War, slaves became freedmen. Their legal identity changed from being property to having the self-ownership necessary to be citizens. Although separated by nearly a century, both moments are marked by transition. Around the Revolution, white men wished to assert their autonomy and move up the social and economic ladder. The Revolution made it possible for them to do so. Around the Civil War, former slaves, freedmen, for the first time ever, could consent to follow the same path of labor they were previously forcibly compelled to do. Even at two such different moments in American History, the language of the labor contracts is remarkably similar.

After the Civil War, the South put the former slaves, the freedmen, to work. The Northern bureaucrats applied a free-labor system modeled after the North's to the Southern labor system. In a culture where the ability to enter into contracts asserted autonomy, the freedmen were granted the ability to enter into the free-labor system consensually. To do so, the Freedmen's Bureau used the apprenticeship guidelines and contracts from the North, and reassigned them to the freedmen in the South. The labor system of the North that had been used to bind children to masters through apprenticeship contracts was applied to adult freedmen in the

South. The apprenticeship guidelines were used to fashion a new system of labor that on paper looked like the apprentice, free-labor system of the North, but in practice was still just like slavery. The Freedmen's Bureau "sought to restore plantation production as rapidly as possible."<sup>6</sup> To do this, the Bureau built upon the Northern, apprenticeship labor system but failed to include some of that system's most valuable features, like training in a craft, and learning to read, write, and cypher. In both historical moments, wage labor was used to control a population. Contracts, signed on the basis of consent and agency, were used to impart certain values to the laborers, with the interest in forming ideal members of society and ideal laborers for the economy. This system was of course ideal not for the laborers, but for the masters and employers. The legal structure of the earlier system of apprenticeship labor was applied to the former slaves in the later era of the free labor economy.

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<sup>6</sup> Mintz, 113.

## Historiography

This project started with an examination of Freedmen's Bureau labor contracts for my senior capstone course. I wanted to know what labor was like for freedmen postbellum. Was there a difference between the labor freedmen did when they were slaves versus the labor they did when they were free? What changed? Furthermore, what was the work like? What did it look like, and what did they do? After exploring the freedmen's labor contracts, I was left with several questions. Where did the Freedmen's Bureau get the idea for the labor contracts? What were the precedents, and where did they come from? So, to expand my senior thesis into my honors thesis, I decided try to answer these questions. I thought I might find the answer, or an answer, by looking at the earlier labor system of Northern apprenticeships. My new question turned into the following: how are apprenticeship contracts and Freedmen's Bureau contracts related?

As it turns out, apprentices' contracts and freedmen's labor contracts, to the best of my knowledge, have never been linked. I found this by reading a vast field of secondary sources on both types of contracts. For the section on freedmen's contracts, Amy Dru Stanley's 1998 book entitled *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Emancipation* was crucial to my research. Stanley's goal was to look at slave emancipation and freedom through contract: "Through the lens of contract many Americans conceptualized the transition from slavery to freedom and pondered the ambiguities of a culture that deplored the traffic in slaves while pushing nearly all else to sale in the free market."<sup>7</sup> The free market culture of America was a system based on contractual agreements to labor. For the newly freed blacks,

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<sup>7</sup> Amy Dru Stanley, *From Bondage to Contract* (Cambridge: Cambridge University Press, 1998), x.

contract became a symbol of self-ownership and consent. Fundamental to contracts are the “principles of self ownership, consent, and exchange. The equation of freedom with contract is illuminated in postbellum thought.”<sup>8</sup> Stanley concludes that perhaps the emphasis on contract was simply a reflection of the moment in time of emancipation: “In some ways the dilemmas of bondage and contract were peculiarly a nineteenth-century problem, one evoked by slavery’s downfall amid industrial capitalism’s ascendance.”<sup>9</sup> Regardless of the time and place, contract became the language of freedom for freedmen post-emancipation. Stanley relates slavery’s end with contract’s beginning, both in terms of contract for freedmen but also in terms of America’s economy. Stanley’s book provides insight for my argument and also provides a deep analysis of the topic of slave vs. free labor.

While Stanley’s contribution to the field of the freedmen’s labor transition was very helpful to me, she failed to point where the actual contract precedents came from. John Rodrigue wrote *Reconstruction in the Cane Fields* in 2001. Rodrigue explores the same time period, the postbellum South, in terms not of contracts, but how slave emancipation affected the Southern plantations. He discovered that the end of slavery negatively impacted the plantation economy. He concluded that it was necessary for freedmen to continue to do the same types of labor post-emancipation in order for the Southern economy to continue to grow and develop. His approach is more social than Stanley’s strictly legal and economic method. J. William Harris’s 2006 book, *The Making of the American South*, and his 2001 *Deep Souths* provide context as to what was going on in the South during reconstruction. James Schmidt’s 1998 book *Free to Work*, although written before Rodrigue’s and Harris’s books, serves to connect Stanley’s legal analysis to

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<sup>8</sup> Stanley, xii.

<sup>9</sup> Stanley, 268.

Rodrigue's book as well as to Harris's by connecting the Southern history of Harris's argument with the contractual and labor implications of Stanley's and Rodrigue's arguments. For primary sources, I relied on the Freedmen's Bureau records from the Kentucky State field offices for the U.S. National Archives. The records include microfilms of freedmen's labor contracts.

For the section about apprentices' labor contracts, I needed to examine many different elements of American history fully to understand the apprenticeship system and the early American culture of childhood and work. Many historians were helpful to me in understanding the system, but none of them focused exactly on what I was after. Ruth Wallis Herndon and John E. Murray edited and contributed to *Children Bound to Labor: The Pauper Apprentice System in Early America* in 2009. The book is a collection of essays from various scholars about how bound labor worked. Christopher Tomlins' *The Many Legalities of Early America and Law, Labor, and the Ideology in the Early American Republic* helped me see that the apprenticeship system in America was actually derived from an English labor precedent. Steven Mintz's 2004 book, *Huck's Raft: A History of American Childhood* was a crucial source in grasping the expectations of early American children, since childhood expectations were so different than they are today. Richard Bushman's *Refinement of America*, written in 1993, bolstered my analysis of images of apprentices. Finally, I am indebted to the American Antiquarian Society in Worcester, Massachusetts. There I found the collection of apprentices' contracts, as well as diaries written by apprentices.

The literature I read about apprenticeships asked questions about children, work, trades, refinement, and Republicanism, but it did not address the legacy of apprentices' contracts. Were the apprentices' contracts used as a model for any future labor system? Ultimately, I concluded that the apprentices' contracts were used as the model for the freedmen's contracts I had looked

at previously. To bring the two versions of contractual labor together involved a lot of research, a lot of primary source documents, many images, and a creative bridge between two historical moments. Exploring uncharted historical waters was a highly satisfying adventure. But, without the scholarship done by many historians before me, I would not have been able to get there.



## Chapter One: Apprentices' Contracts

In 1815, child Jesse H. Brown was bound as an apprentice to William Vangordon of Wallkill, Massachusetts for a term of five years and nine months.<sup>10</sup> During the term, Jesse was expected to “not absent himself day nor night from his said masters service” and was to receive “six months of schooling in good common English school.”<sup>11</sup> He was also “to learn the art trade and mistery in the manner of an apprentice” of blacksmithing, which was Vangordon’s trade. For almost six years of Jesse H. Brown’s childhood, he was bound to William Vangordon. Jesse was to obey his master, and was only promised six months of schooling out of the entire six-year term. This was a typical childhood for an eighteenth or early nineteenth century child apprentice.

Jesse’s childhood was vastly different from my own childhood. While Jesse was bound as a worker, I was simply a child. I was expected to play and go to school. I had no job, no real responsibilities, and was certainly not expected to hone a craft. During the seventeenth and eighteenth centuries especially, but also into the nineteenth century, concepts of childhood, children, and children’s capabilities were very different from what they are today. Today, children are expected to play. Until adulthood, children are meant to relish in their carefree, responsibility-free lives. Today, parents have a duty to provide their children with such carefree childhoods. As historian Steven Mintz points out, in early America, “there was far less sentimentalizing of children as special beings who were more innocent and vulnerable than adults.”<sup>12</sup> Children needed to be guided in how to become productive citizens. Enlightenment-era

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<sup>10</sup> *Labor Contract for Jesse Brown*. 1815. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>11</sup> Brown (1815).

<sup>12</sup> Mintz, viii.

philosopher John Locke argued, “children’s socialization could not be left to nature, but required close adult supervision and a carefully considered plan.”<sup>13</sup> Through this practice, children became the future of the American republic, and were meant to secure the longevity of the new nation: “The newfound significance of children for the future republic put primary responsibility on securing the social order and preserving republican values.”<sup>14</sup> Scholar James Marten argues that, the “integration of children into the free-market workplace [functioned] as yet another way to instill the values of hard work, modesty, independence, and other necessary traits that combined to form character.”<sup>15</sup> Being a good and productive child became a patriotic duty in the new nation.<sup>16</sup> Childhood then as opposed to childhood now was tremendously different.

The goal of the apprenticeship system of early America was first to create ideal English subjects and later ideal Republican citizens through labor. Before and after the American Revolution, American children were thought to be a malleable portion of the population. The way to create a new nation filled with virtuous and moral citizens was to teach them proper life lessons through work. Americans sought to create a perfected nation based on the principles of industriousness and a proper moral compass. Although strange by today’s standards, child apprenticeships were normal and well within a set framework. The contracts that bound out countless children as apprentices were so common that their contents were standardized and even rather formulaic. Furthermore, the normal labor practice of apprenticeships was designed to create deferent children so that they could one day become autonomous members of their communities.

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<sup>13</sup> Mintz, 58.

<sup>14</sup> Mintz, 71.

<sup>15</sup> James Marten, *Children and Youth in a New Nation* (New York: New York University Press, 2009), 6.

<sup>16</sup> Marten, 8.

This chapter will first explain the origins of apprenticeships. It next will explain what characterized a typical apprenticeship. What did the contracts look like, and what did they say? Finally, the chapter will describe what differentiated apprenticeships from other forms of bound labor. The source base includes seventeen pertinent secondary sources written by historians, as well as twenty-five apprentice contracts, or indentures, accessed at the American Antiquarian Society in Worcester, Massachusetts. Out of the twenty-five contracts I looked at, I chose ten contracts to include in this study. Within the group I selected, the earliest contract bound out Daniel Thomas on January 18, 1750. The latest contract bound out John Henry Smith on January 22, 1850. Throughout the one-hundred-year span from Daniel Thomas' indenture to John Henry Smith's, a lot changed in Massachusetts and in America as a whole. Subjects of the British Crown became citizens of the new United States. Despite the transition, the apprenticeship system retained many of the same qualities post-American Revolution as existed pre-Revolution. Gradually, however, the apprenticeship system declined largely due to the American Industrial Revolution. From 1750 to 1850, the apprenticeship system in early America rose and fell because of the conditions within America.

In the first decades of American independence, the founders created what they viewed as the perfect government, which depended on virtuous citizens. The perfected government meant they had to create a perfect economic system as well. In Republican theory, the new government and economy needed to be operated by perfectly American, republican citizens. Jacqueline S. Reinier speaks to this perceived need for the ideal republic:

In post-Revolutionary decades, as printers, physicians, clergymen, and educators sought to shape colonial regional cultures into a national policy, they turned to enlightened child-rearing to implement republican goals. If virtue was essential for citizenship, they argued,

then enlightened methods and materials could be utilized to mold children they perceived as malleable into future citizens and citizens' wives.<sup>17</sup>

The method of creating virtuous, republican citizens was to mold them through industry. The early American republic was filled with youth who could contribute to the growing nation. One scholar notes that by 1775, "optimistic parents produced large numbers of children until half the population was under sixteen."<sup>18</sup> What was the new republic supposed to do with all of these young people? The answer was put them to work. Therefore, through industrious work and under the careful guidance of masters, idle children were transformed into productive citizens through apprenticeships.

The vehicles for these apprenticeships were predominantly artisanal workshops. These apprentices were called craft apprentices. As one historian suggests, craft apprentices "were certainly the most elite apprentices, in both the education they required and the resources their parents and guardians paid to support them."<sup>19</sup> Blacksmiths, carpenters, cabinetmakers, clockmakers, and printers were all included under the umbrella of craft apprentices. Benjamin Franklin serves as a famous example of an apprentice who gained great success in his life. Many historians regard Benjamin Franklin as an apprentice who became successful. Ironically though, he was not successful because of his apprenticeship. He was successful because he ran away from it. Regardless, Franklin's father contractually bound him to work as an apprentice in a printer's shop when he was a child. Typically, apprenticeships would last until the child reached

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<sup>17</sup> Jacqueline Reinier, *From Virtue to Character* (New York: Twayne Publishers, 1996), x.

<sup>18</sup> Reinier, 4.

<sup>19</sup> Christine Daniels, *The Many Legalities of Early America*, ed. Christopher Tomlins and Bruce Mann (Chapel Hill: University of North Carolina Press, 2001), 241.

the age of twenty-one years.<sup>20</sup> Founding Father Benjamin Rush explained the rationale, viewing “the age of twenty-one as when youth should begin to exercise their own wills.”<sup>21</sup> Franklin’s story is the archetypical success story. He got his start being bound out as an apprentice to his brother, printer James Franklin: “For more than a brief moment, master and apprentice, elder and younger brother, worked together.”<sup>22</sup> Such a fact illustrates the complicated nature of the apprenticeship system, as it was possible for relatives to be contractually bound to other relatives. In an essay, Gary Kornblith also points to the familial atmosphere of an apprentice’s shop: “To lighten his multifarious burdens, Buckingham, like many master artisans before him, brought his eldest son into the business.”<sup>23</sup> In this case, Buckingham served as a master to his son, the apprentice. Historian Christopher Tomlins supports the fact that the apprentice-master interaction was a “highly regulated personal relationship.”<sup>24</sup> This personal bond, regardless of whether or not a family member was the apprentice’s master, seems reasonable, as the setting for craft apprentices was inherently intimate.

Along with being a working, yet uniquely personal relationship, the apprenticeship system was a means by which young Republican children might gain an identity through their career. Paul Gilje provides a nice outline of how the system of gaining autonomy through labor worked:

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<sup>20</sup> Paul Gilje, *American Artisan*, ed. Howard Rock, Paul Gilje, and Robert Asher (Baltimore: Johns Hopkins Press, 1995), xii.

<sup>21</sup> Holly Brewer, *By Birth or Consent* (Chapel Hill: University of North Carolina Press, 2005), 125.

<sup>22</sup> David Waldstreicher, *Runaway America* (New York: Hill and Wang, 2004), 39.

<sup>23</sup> Gary Kornblith, *American Artisans*, ed. Howard Rock, Paul Gilje, and Robert Asher (Baltimore: Johns Hopkins Press, 1995), 127.

<sup>24</sup> Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (New York: Cambridge University Press, 1993), 337.

The standard procedure by which whites obtained this status was to serve an apprenticeship when a youth. During the apprenticeship period, set in a written contract, the worker agreed to labor for no wage; instead, the master provided room, board, clothing, some education, and knowledge of the trade. When the youth reached the age of “freedom”, usually twenty-one, he became a journeyman. At that point he could work for whomever he wanted at the going wage.<sup>25</sup>

After the journeyman earned enough money, he would typically open his own shop and become a master himself, who would take on new, young apprentices. Holding an apprenticeship was a typical progression for Northern, non-farming white children in order to become productive, autonomous adults in society. In addition to providing the young apprentice with a skill set and a trade, “boys who were attending school or working as apprentices suddenly found themselves thrust into positions of responsibility.”<sup>26</sup> The apprenticeship was regarded as “only a temporary dependence on the path to independent mastery through instruction in skills and values in the small shop.”<sup>27</sup> Therefore, the apprenticeships were seen as a means to an end. A temporary period of dependence and control under a master was meant to lead to a lifetime of independence and responsibility for those entering into an apprenticeship contract.

During the apprenticeship, the apprenticed children were meant to learn a trade, but they were also meant to learn valuable life lessons and values good subjects or citizens ought to have. The concept of republican virtue was as follows: “The moral center of the republican ideology that fueled the revolution and inspired the government of the new nation- depended on a disinterested, engaged, and incorruptible citizenry, and Americans consciously defined

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<sup>25</sup> Gilje, xii.

<sup>26</sup> Mintz, 63.

<sup>27</sup> Reinier, 131.

assumptions and built institutions devoted to shaping their children into young republicans.”<sup>28</sup> Such virtue was theoretically developed through a regiment of hard work and close monitoring. Apprentices were meant to be under the close supervision of their master: “Apprenticeship had allowed young men to gain self-respect, independence, competence, and maturity while remaining connected to adults who had an obligation to them. It provided a balance between youthful independence and adult mentoring.”<sup>29</sup> The master was to improve the child apprentice under his close scrutiny. According to Ruth Wallis Herndon, the whole notion of malleable children came from the fact that children were “presented as the future of society: it is imperative that they be taught to work well and grow up to be useful members of the community.”<sup>30</sup> Apprenticeships were designed to do just that, to produce improved, better citizens. After all, the children were crucial to the future and success of the Republican experiment.

Work in general was regarded as a civic duty. It also came to be a defining factor for people’s identity. Jacqueline Jones writes that “the work people did, and the terms and conditions under which they did it, revealed both their place and their possibilities within American society.”<sup>31</sup> Labor was a status, a commodity, and for the community. In the early American period, even private property, which one’s labor could be considered a part of, involved how it benefitted the community: “People could not use their property in a manner that was inconsistent with the community’s ethical standards or its economic needs. This suggests strongly that private property served community needs and individual convenience second, and thus becomes

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<sup>28</sup> Marten, 6.

<sup>29</sup> Mintz, 141.

<sup>30</sup> Ruth Wallis Herndon and John E. Murray, *Children Bound to Labor* (Ithaca: Cornell University Press, 2009), 13.

<sup>31</sup> Jacqueline Jones, *American Work* (New York: W.W. Norton & Company, 1998), 13.

necessary to understand precisely which community needs the law of property served.”<sup>32</sup> As labor was seen as a commodity that could be essentially bought and sold, it can be helpful to replace “property” with “labor” in the above quotation. Thus lies the notion of a republican citizen’s duty to perform labor in order to show devotion to the common good of the community. Collectivity reigned supreme.

As mentioned earlier, craft apprenticeships were the most popular form of apprenticeships. This relates to the concept of Artisanal Republicanism. Artisan workshops were thought to have functioned like the new Republican government. Sean Wilentz explains this connection:

The metaphorical association between the Republic and ‘the Trade’ fortified the artisan’s egalitarian republicanism. Like the Republic, the crafts themselves reputedly respected individual abilities but also stressed virtuous mutuality and cooperation. Each competent master appeared, in his workshop relations, as the quintessence of independence, free to exercise his virtue uncorrupted; the dependence of journeymen and apprentices, was tempered by their possession of a skill and graced with the affection and respect of their masters, a web of reciprocal obligation.<sup>33</sup>

The dependent relationship between the master and his workers seemingly mimics the dependent relationship of the citizenry and the government. To artisans, craft trades supported and complemented the republican vision. Furthermore, according to Howard Rock, “the cooperative

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<sup>32</sup> William Nelson, *Americanization of the Common Law* (Cambridge: Harvard University Press, 1975), 52.

<sup>33</sup> Sean Wilentz, *Chants Democratic* (Oxford University Press, 2004), 94.



spirit of the workshop should serve as the model for the entire Republic.”<sup>34</sup> Therefore, craft apprenticeships supported the republic as they were directly related to each other.

Often the contractual labor system of indentured servitude is linked with apprenticeships. While similar, indentured servitude is not the same thing as the apprentice system. It is important to enumerate the differences between the two labor systems of early America. David Galenson defines indentured servitude as involving the following situation: “The servant was transported to the agreed destination, where his contract was sold to a colonial planter, who provided the servant with food, lodging, and clothing during the time the servant worked for him.”<sup>35</sup> Indentured servitude involved the migration of people to America to work. Galenson further says, “Indentured servitude arose to allow the long-distance migration of people who could not pay the costs of migration out of their own wealth.”<sup>36</sup> Indentured servitude can be seen as a precursor in some ways to the apprentice system as discussed here. Whereas indentured servitude, as defined by Galenson, involved a passage to America, the apprenticeship system was simply a labor system with the purpose of allowing young people to gain work experience and develop into autonomous citizens. Apprenticeships were passages to adulthood. Robert Steinfeld conceptualizes the indentured servant relationship legally: “Such a transaction may be understood and legally constructed as a form of lease giving the employer the enforceable legal right to possession and control of the leased property for the term of the lease.”<sup>37</sup> Indentured servitude was a form of contractual, unfree labor. During a period of time, indentured servitude

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<sup>34</sup> Howard Rock, *American Artisans*, ed. Howard Rock, Paul Gilje, and Robert Asher (Baltimore: Johns Hopkins Press, 1995), 160.

<sup>35</sup> David Galenson, *Markets in History* (Cambridge: Cambridge University Press, 1989), 54.

<sup>36</sup> Galenson, 67.

<sup>37</sup> Robert Steinfeld, *The Invention of Free Labor* (Chapel Hill: University of North Carolina Press, 1991), 5.

was “considered to be among the practices that comprised normal employment.”<sup>38</sup> The apprenticeship system can be understood in a similar way. Although it was contractual, unfree labor to modern eyes, it was, like indentured servitude, a normal system of employment. Unlike indentured servitude though, the apprenticeship system was meant to be a stepping-stone for career progression. Indentured servitude was meant to pay off a debt.

The apprentice system was most popular directly before and after the American Revolution. Following the American Revolution, the apprentice system began its demise. The Revolution “was partly responsible for the system’s decline, as many youths were no longer willing to display the deference that the master-apprentice relationship required.”<sup>39</sup> Additionally, one-on-one instruction of a particular trade was no longer necessary going into the nineteenth century: “manuals, printed guides, and lectures and demonstrations at mechanic’s institutes allowed young men to learn craft skills on their own without going through a formal apprenticeship.”<sup>40</sup> This coupled with the growing industrialization and standardization of American labor, all contributed to the decline of apprenticeships. They were no longer the only way for young citizens to gain a skill or a trade, and no longer the only acceptable form of labor within a Republic. What had worked so perfectly in the English labor model did not last very long when applied in the American development of capitalism.

Despite the changing nature of apprenticeships, the contracts, or indentures, from the centuries under examination, all have a similar format to them. They first state who is being bound to whom and by whose consent. They then go into various contractual stipulations. Some of the stipulations reference the apprentice’s instruction. In a contract dated January 18, 1750,

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<sup>38</sup> Steinfeld, 9.

<sup>39</sup> Mintz, 138.

<sup>40</sup> Mintz, 138.

Daniel Thomson was bound to Ebenezer Holbrook. Ebenezer Holbrook was contractually obligated to “well and faithfully teach and instruct his said apprentice or cause him to be taught in the art or mistery of a joyner.”<sup>41</sup> A 1782 contract bound Artimus Pratt to Joseph Carryl. Carryl was to “teach the apprentice if capable to be taught. Teach him to read, write and cypher.”<sup>42</sup> In 1815, Jesse Brown was bound out as an apprentice with these terms: “his said master shall use the utmost of his endeavors to teach or cause to be taught and instructed the said apprentice in the trade of a mistery he now followeth....said master is to give and allow said apprentice six months of schooling in a good common English school and at the expiration of said term to give a set of Blacksmith tools.”<sup>43</sup> One goal of the apprenticeships was to teach the apprentices useful life skills in order to become productive citizens. The commonality of educational stipulations in the contracts suggest that not only was the goal of the apprenticeship for the child to learn a skill, but it was also for the child to become more broadly educated.<sup>44</sup> By the end of the apprenticeship, the child would be more useful and educated.

All of the twenty-five contracts in the Indentures Collection at the American Antiquarian Society state some variation of moral and behavioral rules the apprentice was contractually obligated to follow. Daniel Thomson was not to “absent himself day or night from his said masters service without his leave he shall not frequent taverns play cards dice or any other unlawful game.”<sup>45</sup> Hannah Child, bound to Jonas Brown in 1761 was also not allowed to engage in such activities: “Cards, dice, or any other unlawful game she shall not play, nor haunt taverns

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<sup>41</sup> *Labor Contract for Daniel Thomson*. 1750. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>42</sup> *Labor Contract for Artimus Pratt*. 1782. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>43</sup> Brown (1815).

<sup>44</sup> Abbot Emerson Smith, *Colonists in Bondage* (New York: Norton Library, 1971), 291.

<sup>45</sup> Thomson (1750).

nor ale houses.”<sup>46</sup> Samuel Gearfield, bound to David Baldwin on November 25, 1765 shall “not play cards, dice, or any other unlawful game whereby his said master may be damaged.”<sup>47</sup>

Artimus Pratt was also not allowed to play cards, dice, or go to taverns or alehouses.<sup>48</sup> Each contract stated some variety of such language.

By 1815, the language of the indentures was not as uniform. By the time Jesse Brown was bound out in 1815, his contract stated, “He shall not absent himself, day nor night from his said masters service without his leave nor haunt alehouses or taverns but in all things behave himself as a faithful apprentice ought to do during said terms.”<sup>49</sup> While earlier contracts specifically enumerated that the apprentice was not allowed to gamble, by 1815, these behavioral expectations were assumed. These “vice clauses,” as they were known, were an American invention. As Steve Hindle and Ruth Wallis Herndon state, “Clauses restricting the sociability of apprentices are rare in English indentures, but they are common in the American indentures.”<sup>50</sup> Since the actual contracts that bound the apprentices to the masters have English precedents, there existed a “constant interaction with English law even after the American Revolution.”<sup>51</sup> Furthermore, the “vice clauses began to disappear in Anglo-America in the late eighteenth and early nineteenth century, to be replaced by more generalized statements.”<sup>52</sup> This shift away from the itemization of prohibited vices is reflected in the 1815 contract of Jesse Brown and perhaps reflects the commonality of the contracts.

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<sup>46</sup> *Labor Contract for Hannah Child*. 1761. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>47</sup> *Labor Contract for Samuel Gearfield*. 1765. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>48</sup> Pratt (1782).

<sup>49</sup> Brown (1815).

<sup>50</sup> Steve Hindle, *Children Bound to Labor*, ed. Ruth Wallis Herndon and John Murray (Ithaca: Cornell University Press, 2009), 33.

<sup>51</sup> Brewer, 10.

<sup>52</sup> Hindle, 33.

In addition to vice clauses, which restricted the places apprentices could frequent, the contracts also contained moral clauses, which prohibited apprentices from engaging in certain activities. The apprenticeship contracts of Daniel Thomson, Hannah Child, Samuel Gearfield and Artimus Pratt all contained some kind of line that said they could not “commit fornication or contract matrimony within said term.” Perhaps such a specification was in hopes of maintaining a certain degree of control over the apprentices. Historian Abbott Emerson Smith contends, “Legal marriage between servants without the consent of the masters was always forbidden.”<sup>53</sup> If the apprentice was to get married, then the apprentice would not belong to the master in the same way they did before marriage. The masters wanted to hold their apprentices up to high moral standards. This speaks to the unique, personal relationship between a master and his apprentice. Masters were not only the apprentices’ bosses, they were also like the apprentices’ parents: “Masters were in loco parentis, they had full parental rights over the children, had final say over how they were to spend their time, and were, in exchange, to be their teachers, fathers, and spiritual guides.”<sup>54</sup> The masters were contractually obligated to “discipline as well as to train the boys in his care. Masters were to keep good order in the shop and make sure their boys did not go out unsupervised at night.”<sup>55</sup> The labor system of apprenticeships was more than a labor system. It aimed to mold apprentices into citizens with firm codes of ethics by explicitly restricting the things apprentices could do in their labor contracts in hopes of developing a certain kind of moral, obedient person, and a useful worker.

In early America, contracts were “of mutual obligation between child and master in which the child agreed to labor for the master for a term of years and to honor and obey him

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<sup>53</sup> Smith, 271.

<sup>54</sup> Herndon and Murray, 204.

<sup>55</sup> Herndon and Murray, 204.

during that time.”<sup>56</sup> As the contracts state, the apprentice was to “behave himself as a dutiful and obedient and faithful apprentice toward his said master.”<sup>57</sup> In exchange, the apprentice would supposedly learn a trade. The contracts stipulate that in trade for the labor the apprentice would provide, the master would: “find her suitable meat, drink, walking, lodging, and appearance for such an apprentice. During the whole of said term and at the expiration thereof shall dismiss her with suitable and decent appearance befitting such an apprentice.”<sup>58</sup> Such requirements of maintenance, as they are called, were borrowed from English labor contracts. According to English jurist William Blackstone, it was “the duty to provide for the maintenance of the child.”<sup>59</sup> Although such laws were never codified in America, providing adequate maintenance for the apprentice is evident in every single contract. By the end of the apprenticeship, the apprentice would be a better and more equipped citizen in appearance, in body, and in mind.

Although contracts were generally formulaic, some contained significant discrepancies. Hetty Clark, a mixed race child, bound herself to William Reeves in 1815. She was an apprentice to William Reeves with the purpose of learning “the occupation of housewifery or housekeeping with him and as an apprentice to serve and dwell.”<sup>60</sup> As Hetty Clark was a girl, the nature of her work and training would be different from the work and training for boys. Other than the difference in the work she was apprenticed to do, her contract did not look any different from any of the other contracts for white boys. She even was promised “months of schooling.”<sup>61</sup> This lack of any racial differences, and a few gender differences, in the case of Hetty is rather striking.

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<sup>56</sup> Herndon and Murray, 200.

<sup>57</sup> Thomson (1750).

<sup>58</sup> Child (1761).

<sup>59</sup> Brewer, 261.

<sup>60</sup> *Labor Contract for Hetty Clark*. 1815. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>61</sup> Clark (1815).

The labor contract for John Henry Smith, a black boy from Massachusetts, aged eleven years and five months, however, was quite different from the other contracts. In 1850 John Henry Smith was contracted to Jacob Carpenter. His contract looked like this:

Of his own free will and accord put and bound himself ~~apprentice~~ servant to Jacob Carpenter ~~to learn the art, trade and mystery of~~ and as a servant ~~and as an apprentice to serve~~ to serve from this date, for an during and until the full end and term of nine years and 7 months; during all which time, the said ~~apprentice~~ servant his master faithfully....behave himself as a faithful ~~apprentice~~ servant ought to do. And the said master shall use and employ the utmost of his endeavours to teach, or cause him, the said ~~apprentice~~ servant, to be taught or instructed, ~~in the art and mystery of,~~ to read, write, Arithmetic, and also to furnish said servant with good and sufficient board, lodging, and clothing during said term and at the end of said term to give him a new Bible.<sup>62</sup>

John Henry Smith was not to be taught a trade during his nine-year term. He was not even called an apprentice. John Henry Smith, a black boy in Massachusetts, was a servant. Although rare by 1850, other apprentice indentures exist from that time. Therefore, the reason for John Henry Smith to be a servant and not an apprentice is not necessarily a reflection of the time. It seems to be a reflection of his race and the things people thought he was capable of. Jacob Carpenter thought John Henry Smith to only be capable of learning how to be a servant and not learning how to do a specific trade. But, despite the glaring differences between his contract and other contracts, his master was still concerned with producing a better, more religious person at the end of the term. This is reflected in the promise “to give him a new Bible.”<sup>63</sup> The master wanted to make sure John Henry Smith was a pious person who needed a new bible at the expiration of

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<sup>62</sup> Labor Contract for John Henry Smith. 1850. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>63</sup> Smith (1850).

his apprenticeship. The morality of the apprentices, or of the servants, was still a concern and a priority, despite the different language.

Contracts, generally, are regarded as the marks of free labor. If a person signs a contract, it generally means the person consented to the terms, and they did so by their own free will. But, as stated by Robert Steinfield, these apprenticeship contracts were, in reality, forms of “contractual servitude.”<sup>64</sup> Each contract establishes that it was entered into with the consent of the person being contracted. Daniel Thomson’s contract states, “with the consent and by the order of his fair father doth by the presents put himself an apprentice.”<sup>65</sup> According to a Massachusetts law of 1794, “parental consent was necessary to the labor contracts of all those under the age of twenty-one, but that, if the child were over fourteen, his or her consent was needed in addition.”<sup>66</sup> Daniel Thomson’s father consented to the contract, and Daniel Thomson presented himself as an apprentice. Therefore Daniel agreed to do the labor. Hannah Child entered into her contract “with the free and full consent of Hannah.”<sup>67</sup> An apprentice bound to Samuel Pike in 1803 “hath put himself, and presents doth voluntarily, and of his own free will and accord, bind himself apprentice to Samuel Pike to learn the art, trade, and mystery of husbandry.”<sup>68</sup> Similarly, Hetty Clark, the mixed race girl “bound herself as a servant an apprentice into William Reeves.”<sup>69</sup> Apprenticeships, contractual labor based on the consent of the laborer, was technically a form of free labor. Therein lies the difference between slavery and apprenticeships. Although the contracts were a form of “contractual servitude,” they claimed the

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<sup>64</sup> Steinfield, 10.

<sup>65</sup> Thomson (1750).

<sup>66</sup> Daniels, 324.

<sup>67</sup> Child (1761).

<sup>68</sup> *Labor Contract for Samuel Pike*. 1765. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>69</sup> Clark (1815).



consent of the laborer. The apprentice system was not like slavery since there existed some semblance of consent to do the work and to be bound to do the labor, and an end term for the labor.

Sometimes, if children were orphaned or poor, the local Overseer of the Poor would function as the adult to bind out the children into their apprenticeships. The system worked in the following way: “after an interim period with approved caretakers or in a poorhouse or orphanage, the children were formally bound to a master.”<sup>70</sup> This way the “local magistrates intended that pauper apprentices should be raised in homes that conformed to official ideas of order. Binding out was in fact the state’s declaration and affirmation of what a ‘proper’ household should look like.”<sup>71</sup> The purpose of binding out poor children was to help them become productive, hard working citizens, and to get them off public assistance. It was also a way for the master to have access to labor. In the pauper apprenticeship system, children were raised in a work-environment with a proper family. Proper families were “places where children learned to serve the larger community by contributing meaningful labor- important in an era when being useful to the community was more important than exercising individual rights.”<sup>72</sup> The goals of the pauper apprenticeship system were the same as the goals of the regular apprenticeship system. The difference between the two systems was who gave the consent to bind out. With the case of the normal system, it was the parents who consented to the contract. With the pauper apprentices, it was the Overseers of the Poor that consented to the contract and authorized the binding out.

In addition to the systems having the same goals, and virtually being the same, the

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<sup>70</sup> Herndon and Murray, 1.

<sup>71</sup> Herndon and Murray, 2.

<sup>72</sup> Herndon and Murray, 3.

contracts looked the same as well. Poor child Josiah Thomas was bound to Zachariah Fowle, who was a printer. Josiah Thomas's contract said, "Cards, Dice, or any other unlawful game or games he shall not play. Fornication he shall not commit. Matrimony during the said term he shall not contract."<sup>73</sup> His contract is the same as the other contracts. Additionally, "the said Master doth hereby Covenant and Agree for himself his wife and heirs to teach the said Apprentice to be taught by the best way and means he can the art and mistery of a Printer, also to read write and Cypher."<sup>74</sup> Similarly, poor child Anthony Haswell's master was to "teach the said apprentice to be taught if capable of learning the Art Trade of Mastery of a Printer."<sup>75</sup> Although an Overseer of the Poor bound out Josiah Thomas and Anthony Haswell, the child would get the same apprenticeship experience as a child bound out by his or her father. They too, would try to advance in the world.

While apprenticeships were technically consensual, they posed unusual restrictions on the apprentice, which causes them to be labeled as "contractual servitude." In addition to the behavioral restrictions mentioned earlier, there were also physical constraints put on the apprentices. Hannah Child was never to "leave her said masters service nor be absent from home at unreasonable hours without her said master or mistresses' leave."<sup>76</sup> Equivalently, Samuel Gearfield was not to "absent himself day nor night from his said master."<sup>77</sup> The apprentices were contractually prohibited from leaving their masters' homes without permission. It was the master's duty to keep the apprentice in line. Despite the peculiarities of the apprenticeship

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<sup>73</sup> *Labor Contract for Josiah Thomas*. n.d. From the Indentures Collection at the American Antiquarian Society (Worcester, MA).

<sup>74</sup> Josiah Thomas (n.d.).

<sup>75</sup> Haswell (1771).

<sup>76</sup> Child (1761).

<sup>77</sup> Gearfield (1765).

system in modern eyes, it was in fact a common labor system in early America.

The apprenticeship contracts and supporting scholarship illuminate how the labor system was laid out and how it worked. But once the contract was drawn and signed, what happened next? An analysis of cultural materials from the eighteenth and nineteenth centuries answer that question. The next chapter will investigate what it was actually like to be an apprentice, and what was expected of them. The task of discerning the realities and expectations of apprenticeships will be executed through the examination of one memoir written by an English indentured servant, two diaries from American apprentices, six images of labor, and three instructional guidebooks.

## Chapter Two: Culture Representations of Apprentices' Labor

Based on the language of the contracts, life as an apprentice seemed very tough. The apprentice had to endure an excessive amount of toil, no personal freedom, and very little time devoted to education. Additionally, the apprentice was contractually obligated to serve his/her term in full, and had to obey his/her master. This conception of apprenticeships might be flawed. Edward Carpenter, a cabinetmaker's apprentice, tells a very different story of his apprenticeship: "Friday, June 14, 1844. I went down to Green River tonight after I got through work & went in swimming. There was a boatload of girls came down the river when we was in but we did not care for them."<sup>78</sup> Not only did Carpenter have enough free time and personal freedom to choose to go to Green River to swim, but he even had time to think about girls, as many young boys do. Additionally, Carpenter discusses his independent educational pursuits while serving as an apprentice: "Tuesday March 26, 1844. I went down to the Literary Club this evening and they debate on the question 'Is novel reading beneficial'. Did not stay till it was decided. I then came up to the shop & read 2 or 3 stories in the Saturday Courier besides some anecdotes and puzzles & the like."<sup>79</sup> These two examples from Carpenter's journal contradict the impressions of apprenticeships the contracts provide. Perhaps apprenticeships were not as harsh as the contracts make them seem. By comparing the language of the contracts and text and images found in other genres of source material, we can get a fuller picture of apprenticeship.

The purpose of this chapter is to explore the nature of apprenticed labor through visual or cultural depictions. Having analyzed apprenticeships and apprentices' labor contracts, it is now

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<sup>78</sup> Edward Carpenter, Journal from 1844-1845, American Antiquarian Society (Worcester, MA).

<sup>79</sup> Carpenter (March 26, 1844).

necessary to try to explore what it was actually like to be an apprentice. This chapter will address how visual and cultural representations of apprenticeship labor can provide additional insight into the goals of apprenticeships. What do the images and cultural representations of apprentices' experiences reveal about apprenticeships? The evidence for this chapter will include a memoir written by an English indentured servant, two diaries of apprentices collected at the American Antiquarian Society, a myriad of images depicting apprentices laboring, and instructional literature intended for early American children. The synthesis of the various cultural materials will conclude that the reality of an apprenticeship was much different than the harshness the contracts suggested. Furthermore, the visual images reveal what particular qualities and behaviors the apprentices were supposed to assimilate by the end of their apprenticeships.

The cultural representations of apprenticeship labor suggest a few surprising things given the language of the contracts. Both the memoir of indentured servant William Moraley and the journal of apprentice Edward Carpenter reinforce the commonality of apprenticeships. Additionally, the accounts show that neither man defined himself by the work he did. Edward Carpenter, a cabinetmaker apprentice in the 1840s, had a good deal of leisure time during his apprenticeship. Although his contract was presumably quite similar to the contracts I examined, his experience as an apprentice was not very oppressive. The visual depictions of labor reinforce the communal aspects of craft apprenticeships. They also allude to the end goal of gentility. This bolsters the point that the apprenticeship contracts were purposed with creating better workers and a better populace at the conclusion of the apprenticeships. Overall, the analysis of a variety of cultural materials facilitates a more dynamic exploration of the American apprenticeship story. One example of cultural materials are diaries.

In 1729, William Moraley moved to America as an indentured servant. While in America, he wrote a memoir about his experiences. Although Moraley's particular account reflects that of an indentured servant, and not as an apprentice, his memoir is nonetheless helpful in understanding both the tradition from which the later apprentices came, and the experience of an indentured servant in the early eighteenth century. As the apprentice contracts in early America have precedents in English labor practices, the following quotation about the English labor system relates to why people entered into indentured servitude and into an apprenticeship: "In early eighteenth century England, youths customarily spent their adolescence and early adulthood as either servants or apprentices. Marriage was discouraged until they gained their freedom, accumulated necessary household goods, learned the basic skills of their trade, and achieved the ability to support a family."<sup>80</sup> Thus, the system that Moraley came from was very similar to the labor system he was entering into, just in another part of the English empire.

Apprenticeships were meant to be a learning experience. They were supposed to be strict, and primarily focused on labor and character building. But, according to Moraley's account of his time as an indentured servant, that was not the reality for him. William Moraley described the colonial town where he worked: "There are many Houses of Entertainments, at convenient distance from the Town, where the Inhabitants resort, in the cool Evenings, after the Fatigues of Business, where they regale themselves with the Product of this fertile Soil."<sup>81</sup> Although Moraley was a poor indentured servant, he still was aware of the diversions in the town, and might have even participated in them. In fact, he describes a particular instance of how he spent his free time: "In the Month of July, in 1731, one Lawrence Houlton, and myself, being Fishing in a

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<sup>80</sup> Susan Klepp and Billy Smith, *The Infortunate* (Penn State Press, 1992), xxiv.

<sup>81</sup> William Moraley, *The Infortunate*, ed. Susan Klepp and Billy Smith (Penn State Press, 1992), 32.

Canoe, a Water Snake, of about six Foot long, offer'd to board us: We had much ado to prevent him. He jumped several Times, but we beat him off with out Fishing Sticks.”<sup>82</sup> Although Moraley was an indentured servant in the American colonies, and participated in contractual servitude, he was still allowed free time to fish and spend time with his friend. He did not define himself by the labor he did.

In fact, Moraley only discusses the labor he did a few times in his journal. He discusses his work in the following quotation: “My Master behav'd very civilly to me, and I liv'd very happy, to the Expiration of my Servitude. Sometimes I have acted the Blacksmith; at other times, I have work'd in the Water, stark naked. Sometimes I was a Cow Hunter in the Woods, and sometimes I got Drunk for Joy that my Work was ended.”<sup>83</sup> Moraley's work does not sound too extreme. He even had time to get “Drunk for Joy” to celebrate when his work was completed. His moral and vice clauses were not enforced. Additionally, Moraley was well cared for as an indentured servant: “I was conveyed to my Master, where I dined upon Dumplings, boil'd Beef, and Udder; when I became enamour'd with Mrs. Sarah, the Daughter. I was stripp'd of my Rags, and received in lieu of them a torn Shirt, and an old Coat. They tell me, it was only for the present, for I might expect better.”<sup>84</sup> It certainly does not seem as if all Moraley did was work, and he was treated well. Contrastingly, it also does not seem as if Moraley learned grand moral lessons or pursued educational activities. Perhaps this was because he was an adult indentured servant, and not a child apprentice, so the nature of his servitude was expectedly different.

Just as indentured servitude dwindled by the Revolution, apprenticeship was on the wane in the half century after independence. In 1842, Edward Carpenter's father apprenticed him as a

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<sup>82</sup> Moraley, 48.

<sup>83</sup> Moraley, 73.

<sup>84</sup> Moraley, 41.

cabinetmaker at the shop of Miles & Lyons in Greenfield, Massachusetts. By 1842, however, the use of apprenticeship as career trajectory was deteriorating. To Carpenter's agrarian father, "apprenticeship was a familiar institution."<sup>85</sup> Perhaps unfamiliar with the changing times in more industrial areas, Carpenter's father thought sending his son to be an apprentice was the normal way of doing things. He believed it to be the common progression in order to elevate his son in society and give him a respectable career: "In the 1840s, apprenticeship to a craft was still a common means by which rural families sought to set their offspring up in the world."<sup>86</sup> Although a slightly antiquated practice by 1842, Carpenter nonetheless served as a dutiful apprentice. In 1844 Carpenter's father told him to write a journal during his time as an apprentice. This too, was common: "Often fathers urged their sons to record, literally to 'keep account of,' their lives during the crucial transition from childhood to adulthood."<sup>87</sup> So, like the amenable son that he was, Edward Carpenter kept a journal from 1844-1845, recording his day-to-day life as an apprentice. The American Antiquarian Society has Edward Carpenter's journal in its collection.

According to Ruth Wallis Herndon, a scholar on pauper apprenticeship, "the contracts are prescriptive literature, telling the masters and servants how they should behave, but there is scant documentation of the gap between prescription and reality."<sup>88</sup> Carpenter's journal is the documentation that describes the reality of at least one man's experience. In his journal, Carpenter did not identify himself by the work that he did. Instead, the activities he did and the books that he read take up much of his journal. There is little mention, and certainly very little emphasis, on his actual labor.

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<sup>85</sup> Tomlins, 111.

<sup>86</sup> Christopher Clark, "The Diary of an Apprentice Cabinetmaker," *Proceedings of the American Antiquarian Society*, 98 (1988), 306.

<sup>87</sup> Clark, 307.

<sup>88</sup> Herndon and Murray, 17.



Many of Carpenter's journal entries talk about his educational pursuits in his leisure time, which he seemingly had much of. The entry from Tuesday March 5, 1844 reads as follows: "I went down to the Literary Club tonight held in the Fellenburg Schoolhouse and listened to a debate on the question Which is productive of the most happiness Married life or Single life, it was decided by the President in the negative."<sup>89</sup> Carpenter was very fond of these sorts of morality lectures, which is reflective of both the moral stipulations in the contracts, and of the spirit of moral reform in the nineteenth century. On Tuesday March 12, 1844 Carpenter went to the Literary Club again and "They debated on the question 'Which is the greatest evil Intemperance or Slavery,' and was decided in the negative by the President, not however in my opinion according to the weight of argument, or merits of the case."<sup>90</sup> Furthermore, on Thursday March 14, Carpenter

read a story tonight called Easy Nat or Boston bars and Boston boys. It is the life of three boys during their apprenticeship one of them was Easy Nat who was led into drunkenness & all sorts of dissipation by his brother apprentice & afterwards became a Washingtonian & the other apprentice set his masters house on fire & then cut his throat. This shows the evil of drunken Companions.<sup>91</sup>

The Washingtonians were a group of temperance reformers that Carpenter followed closely. He frequently mentions he read a publication called *The Washingtonian*, a newspaper put out by the group. Carpenter seems to have been an advocate of temperance, as well as concerned with a myriad of other moral issues of the day. He clearly obeyed the clause in the contracts that

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<sup>89</sup> Carpenter (March 5, 1844).

<sup>90</sup> Carpenter (March 12, 1844).

<sup>91</sup> Carpenter (March 14, 1844).

forbade him from “haunting alehouses,” as he thought doing so would lead to moral degeneration. During his apprenticeship, Carpenter’s morals were consistent with the restrictions imposed in the contracts. He seems to have been the perfect, moral apprentice.

Throughout his documented year, Carpenter received many visitors. Clearly, he was not monitored as closely as the contracts might suggest, and he was able to have a life that involved his family and friends. On Friday March 8, 1844, his brother Timothy B. visited and reported to Carpenter that “the folks are all well at home.”<sup>92</sup> Timothy B. visited again on Saturday March 16, 1844. On Sunday March 17, 1844, Carpenter’s brother “Cyrus came down here this morning. I went up to Uncle Justin’s in the afternoon & ate maple Sugar till it did not taste good, I staid till dark & then came home.”<sup>93</sup> Uncle Justin was not his actual uncle, but rather the term connoted respect and familiarity. On Monday March 25, 1844 his “Father has been here today and brought me a pair of shoes.”<sup>94</sup> Contrary to what might have been expected by the language of the apprenticeship contracts, Carpenter was not alienated from his family, in fact, it seems as though his visitors could come and go as they pleased.

In addition to having time for lectures and visitors, Carpenter also had time to do other, less intellectual pursuits in his leisure time. On Monday March 11, 1844 he attended a “village dance. The music by Mr. Temple Charles Lyons & Isaac Harkness was good and I staid till nearly 11 o’clock.”<sup>95</sup> He went again on March 15. On Thursday April 4, Carpenter “played ball so much that I am so tired I can hardly set up.”<sup>96</sup> Carpenter played ball again on Monday April 8

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<sup>92</sup> Carpenter (March 8, 1844).

<sup>93</sup> Carpenter (March 17, 1844).

<sup>94</sup> Carpenter (March 25, 1844).

<sup>95</sup> Carpenter (March 11, 1844).

<sup>96</sup> Carpenter (April 4, 1844).

after he “got through work.”<sup>97</sup> Although an element of the contracts is a disallowance of any card games, Carpenter finds his way around the clause: “Four of us came into the shop tonight & took a hand of High low jack & the game, just for amusement for I never played or money, or anything else.”<sup>98</sup> He seemingly constructed his own moral guidelines when it came to cards or games, and deemed games acceptable if he did not play for money. Carpenter’s leisure time activities are quite varied and frequent. Given the amount of space in his journal devoted to non-work related activities, Carpenter clearly did not find his apprenticeship work the most interesting aspect of his life.

Carpenter’s experience as an apprentice was filled with moral pursuits, intellectual pursuits, leisure time, and a bit of work. The mentions of work are always something like this: “I am at work on the Bureau that I begun. Monday I put the carcass together today, get along rather slow.”<sup>99</sup> Work was seemingly insignificant compared to the lengthy descriptions of all of Carpenter’s other pastimes. The cabinetmaker’s shop “provided the arena for Carpenter’s new life, distanced from that of his family and kin.”<sup>100</sup> His diary was mostly “a record and celebration of his autonomy.”<sup>101</sup> In this sense Carpenter’s apprenticeship resembles the modern notions of going away to college. Over the term of service, four and one-half years for Carpenter, four years for college students, the children were to learn new skills, mature into adults, and develop their autonomy. Although the apprenticeship contracts emphasize nothing but work and good behavior, Carpenter’s diary shows that in some instances, that was not necessarily the case. Work took a peripheral stance, and the moral and social development rose to the forefront. The

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<sup>97</sup> Carpenter (April 8, 1844).

<sup>98</sup> Carpenter (1844-1845).

<sup>99</sup> Carpenter (1844-1845).

<sup>100</sup> Clark, 309.

<sup>101</sup> Clark, 312.

lack of emphasis Carpenter puts on his work is reflective of the changing nature of apprenticeships. Although “apprenticeship in some form would last until the Civil War, apprentices of the 1830s lived and worked under a system closer to wage labor than to the traditional indenture system.”<sup>102</sup> Carpenter’s apprenticeship more closely resembled wage-labor than apprentice labor. In that way, Carpenter’s journal is a reflection of the changing times.

From 1844-1845, Carpenter read many books and publications. He read *The Insubordination of the Shoemaker’s Daughter* by T.S. Arthur, *The Washingtonian*, *The Saturday Courier*, and *The Mysteries of Paris*, to name a few. After Carpenter’s apprenticeship, he moved from Massachusetts to Vermont and opened a bookstore. As the apprenticeship system was in decline in America, it did not provide job security as it once did. Carpenter’s “business reflected both his literary interests and changes in the market structure. Unable or unwilling to make a living producing the goods he had been trained to make, he left the artisan culture that had nurtured his passage from childhood to adulthood, and turned to distributing the goods that he had always most avidly consumed.”<sup>103</sup> Ironically, Edward Carpenter never became a cabinetmaker; he did not progress on the prescribed craft apprentice career path. Instead, he ended up doing what he devoted the most space to in his journal, he pursued educational, intellectual endeavors. Carpenter’s apprenticeship was not successful, for he did not continue on the career path in which he was trained. It was successful, however, for he became a well-trained, and well-rounded citizen. Carpenter’s story speaks to both the decline of the apprentice system, and to the reality of apprenticeships.

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<sup>102</sup> Lynda Yankaskas, *Borrowing Culture*, dissertation (Brandeis, 2009), 84.

<sup>103</sup> Clark, 319.

In contrast to the rich and detailed journal of Edward Carpenter is the monotonous journal of a blacksmith from 1869-1870. A very late apprenticeship, the blacksmith was apprenticed for three years to Henry Daniels of Medford, Massachusetts. The blacksmith made few entries, and none of them had any real substance to them. On January 5, 1869, the blacksmith wrote: "Blacksmithing again it seems rather good to get to work. Worked on old sleds and took several pairs of shafts to piece. Mr. Cushman gave me a very interesting account of his journey out west."<sup>104</sup> On January 6 he wrote, "Worked another day at blacksmithing, enjoyed myself very much although I can't see my way through my apprenticeship, yet I can see that I have fairly begun. I think I have got a pretty good place I have been putting the irons on an express wagon."<sup>105</sup> It seems the young blacksmith got lazy or bored with writing in his journal as many of the next entries simply say: "blacksmithing again," "blacksmithing as usual," "blacksmithing as ever," "blacksmithing of course."<sup>106</sup> Additionally, on the tops and sides of the journal pages are quite elaborate doodles, indicating he preferred to absently draw than to write in his journal. Perhaps he was not very interested in writing in his journal, or perhaps all he actually did was work, but regardless, his journal does not indicate moral and intellectual interests as does Carpenter's. Judging by the records left, Edward Carpenter benefitted from his apprenticeship more than the blacksmith did in that Carpenter developed into a moral, well-rounded person, while the blacksmith simply worked.

Images of apprentices doing work provide an insight into life as an apprentice in a way that words simply cannot. Instructional, trades books were published for children with the purpose of helping them pick out what trade they wanted to do. Each trade description was

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<sup>104</sup> Blacksmith's Journal, 1869-1870, American Antiquarian Society (Worcester, MA).

<sup>105</sup> Blacksmith's Journal (1869-1870).

<sup>106</sup> Blacksmith's Journal (1869-1870).

accompanied by a woodcut of people doing work. As these images were not meant to be pieces of art, but rather simple, instructional illustrations, they appear to be very crudely made. They were most likely printed using the method of woodcutting, which involved a printer carving out the image from a block of wood. This block of wood would then be inked, and stamped onto the pages of the trades books. The unrefined, roughness of the images are characteristic of poorly done woodcut prints. Since they were simply going into children's books, it was not imperative that they be perfectly crafted. In all likelihood, the prints were done in a printer's workshop, perhaps even by an apprentice.

The image for the hat-maker's workshop (Figure 3) shows an older man, presumably the master, constructing a hat in the foreground of the image.<sup>107</sup> In the background, there appears to be a young boy, presumably the apprentice, doing similar work as the master. In the image of the stonemason (Figure 4), there is a genteel looking man, maybe the master, in the foreground, and another man helping him, maybe the apprentice, in the background.<sup>108</sup> A third image from the trades books that features people doing work together is the image of the carpenter's shop (Figure 5).<sup>109</sup> The carpenter image shows two figures, working side by side. They both seem to be industriously working, and are very concentrated on the labor they are performing. The images of labor in trades books might possibly show apprentices working alongside masters, but they certainly show people working together. Based on the images alone, the craft apprentices sought to foster atmospheres of cooperation and teamwork, but also indicative of a hierarchical system. These crude prints contrast with the next image, a print by famed artist William Hogarth.

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<sup>107</sup> "Hat-Maker." *Jack of All Trades*. 1815. American Antiquarian Society (Worcester, MA) Figure 3.

<sup>108</sup> "Stonemason." *Jack of All Trades*. 1815. American Antiquarian Society (Worcester, MA) Figure 4.

<sup>109</sup> "The Carpenter." *Jack of All Trades*. 1815. American Antiquarian Society (Worcester, MA) Figure 5.

William Hogarth was an English artist who often depicted satirical scenes of everyday life. In 1747, he created an engraved series called *Industry and Idleness* (Figure 6).<sup>110</sup> Although a depiction of an English scene, the American apprentice system was borrowed from the English system, so the engraving may be still relevant and informative. The scene is in a workshop. There are two apprentices working at looms, and one master observing to the right. The industrious apprentice is to the right, diligently working with his eyes turned down, concentrated on his task. To the left is the idle apprentice. His eyes are turned up towards the ceiling, apparently bored with his work. An animal is jumping near him, serving as an additional distraction. As was shown through the contracts, and through Carpenter's journal, apprenticeships were all about taking malleable youths, and forming them into moral and productive citizens in order to serve the community. The industrious apprentice sends the message that industriousness is preferable to idleness. The engraving serves as yet another example of what qualities were preferred in apprentices and which qualities were frowned upon.

Hogarth liked to depict moral scenes that would have been received in the same vein as comic strip images. The particular print series of *Industry and Idleness* aimed for such moral and instructional purposes. Hogarth himself described it as “calculated for the use & Instruction of Youth.”<sup>111</sup> It contrasted a good apprentice and a bad apprentice, and charted their paralleling careers. This particular Hogarth series was comprised of twelve plates that told twelve different stories of the two apprentices. The bad, idle apprentice continued to make poor, amoral choices, such as choosing “gambling and cheating in the churchyard rather than attend the church

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<sup>110</sup> William Hogarth, “Industry and Idleness.” [www.tate.org.uk](http://www.tate.org.uk). Figure 6.

<sup>111</sup> “Hogarth: Hogarth’s Modern Moral Series.” [Tate.org.uk](http://Tate.org.uk). Web.

service.”<sup>112</sup> Meanwhile, the good apprentice behaved morally and did the right thing. So, like the trades books prints, Hogarth’s prints, although much more refined-looking, also aimed to instruct. Children were the target audience of all the prints. Child workers would see the prints, and then learn a moral lesson and a good work ethic.

In addition to teaching children work ethics and moral lessons, images were also used to provide children with a visual manifestation of what they aspired to become through apprenticeships. Gentility became aspirational for Americans around the time of the Revolution. The refinement of Americans related to how they dressed, talked, worked, and carried themselves. There was a perpetual drive to become more refined, more fancy, and more polished. Historian Richard Bushman cites the late eighteenth century moment as when middle class Americans, such as artisans, “came to believe that they should live a genteel life.”<sup>113</sup> Ironically, such a genteel life was manufactured by the upper classes of American society. As Bushman points out, gentility was not in accordance with Republican, toiling values: “These values ran at cross-purposes with religion, republicanism, and the work ethic, powerful complexes of values subscribed to by the same people who wanted to become genteel.”<sup>114</sup> If becoming genteel was the goal, the means by which that goal might be achieved was through the accumulation of money through work.

*The Shoemakers* (Figure 7) is a lithograph printed by E.B & E.C. Kellog circa 1855.<sup>115</sup> It depicts the inside of a shoemaker’s workshop. There is a well-dressed man to the far right, busily working on a task. Three other figures, all in noticeably scrappier clothes, sit to the left. It can be

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<sup>112</sup> “Hogarth: Hogarth’s Modern Moral Series.” Tate.org.uk. Web.

<sup>113</sup> Richard Bushman, *The Refinement of America* (New York: Random House, 1993), xiii.

<sup>114</sup> Bushman, xvii.

<sup>115</sup> “The Shoemakers.” Printed by E.B. & E.C. Kellogg, lithograph. 1855-1856. Connecticut Historical Society. Figure 7.



assumed that the well-dressed man to the right is the master, and the three other men are either his apprentices or his journeymen, or perhaps a combination of both. This again shows the collective nature of the artisanal world. It must be noted that the master figure is quite well dressed, and therefore very genteel looking. As Bushman writes, “Dress signaled rank and character.”<sup>116</sup> As apprenticeship was seen as the first step towards the end goal of being one’s own master, perhaps it was also a path to gentility. Therefore, the people masters sought to create through apprenticeships were to be genteel, skilled laborers.

Also indicative of the type of citizens that apprenticeships were meant to create is the Apprentices’ Library in Philadelphia, Pennsylvania. It opened in 1820, and was the library apprentices in Philadelphia were meant to frequent. The print showing the Apprentices’ Library shows people entering and exiting the library (Figure 8).<sup>117</sup> The men are wearing dapper, genteel suits, and the women are wearing fancy, genteel dresses. They are engaging in intellectual, educational activities and looking quite refined and established while doing so. The fact that such a library existed echoes the contracts. A library for apprentices suggests that they were encouraged to, and participated in, educating themselves. Reading was believed by elites to be valuable in “the development of character” of the apprentices.<sup>118</sup> The library functioned as a moral, and character building outlet for apprentices: “Groups of middle-class and elite citizens joined together to create a variety of institutions to occupy the time and energy of young people, in an efforts to provide wholesome and respectable alternatives to the tavern, the dance hall, and the bordello.”<sup>119</sup> So, when their apprenticeships were over, they would not only know a trade, but

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<sup>116</sup> Bushman, 69.

<sup>117</sup> “Apprentice’s Library Image.” Library.phila.gov. Figure 8.

<sup>118</sup> Yankaskas, 83.

<sup>119</sup> Yankaskas, 85.

would also be educated, as the contracts stipulated. The outward gentility of the apprentices in the image speaks to the ironic nature of middle-class refinement: “For capitalism to thrive, the broad base of the population had to learn to consume as well as to work. In effect the population had to be taught to live like gentlemen and ladies even when the productive mechanisms of society instructed them to work like slaves.”<sup>120</sup> The image of the Apprentices’ library shows this contradiction. The mere existence of the Library, which existed in Philadelphia as well as in other forms in cities across America, indicates that educational goals put forward in the contracts were actually a reality even if the apprentices had to take learning into their own hands. Early America was clearly committed to self-betterment through apprenticeships.

The books that many of the images came from were instructional trades books for children. There existed a myriad of trades books, designed to instruct and guide young apprentices-to-be. One was *Juvenile Anecdotes*, published in Philadelphia in 1809, was written with the “intended design of combining moral instruction with amusement.”<sup>121</sup> Moral instruction for children was paramount and evident almost everywhere. Developing moral children was clearly very important to early Americans. Another such book was the 1818 edition of *Jack of All Trades*. The book tells “little readers that industry is the source of private happiness and public grandeur; for to it families owe their support, and nations the advantages of commerce.”<sup>122</sup> It is the duty of the children to be industrious, as that will lead to happiness, the book claims. *Jack of All Trades* functions to boost trades, and to establish a connection between work and civic duty for young children: “How grateful should youth feel, when put by their parents or friends, to honest men and useful trades: they then become members of society, and are thus, not

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<sup>120</sup> Bushman, xviii.

<sup>121</sup> *Juvenile Anecdotes*. 1809. American Antiquarian Society (Worcester, MA), iv.

<sup>122</sup> *Jack of All Trades*. 1815. American Antiquarian Society (Worcester, MA), 4.

only enabled to maintain themselves and future families, but are placed in the way to gain the esteem and respect of the world.”<sup>123</sup> Usefulness in society is revered. *Jack of All Trades* functioned to propagate the republican ideological notion that work led to virtuous citizens.

A third instructional book addresses the expectations of Northern black children. It is the *New York African Free School* book, published in 1818. It too says, “children should become useful and respectable in society.”<sup>124</sup> Additionally, the book extols industriousness to the children’s parents, just like the other books do: “As idleness leads to wickedness, so industry will be found happily to conduce to virtue and sobriety; and it is incumbent on parents to find employment for their children, at a suitable age, as it to furnish them with food and clothing, for a want of employment, or rather of suitable inducement to it.”<sup>125</sup> According to the book, industriousness will lead to success. As success, autonomy, and productivity were the goals, work and apprenticeships were the means by which to achieve such goals.

While the accounts of Carpenter and the blacksmith suggest the realities of apprenticeships, the images and the instructional books depict the expectations of apprenticeships. Apprenticeships were perhaps not as arduous as the contracts and images would suggest. Edward Carpenter’s and William Moraley’s accounts show this. Through the images, it is evident that apprenticeships were concerned with collaborative and cooperative labor, yet still structured by status and hierarchy. As discussed previously with the concept of Artisanal Republicanism, artisanal work was thought to reflect the structure and goals of the American Republic. Therefore, the images of craft apprenticeships support this claim, for the craft apprenticeships focus on cooperation. Such apprenticeships were meant to teach children how to

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<sup>123</sup> *Jack of All Trades*. 1818. American Antiquarian Society (Worcester, MA), 5.

<sup>124</sup> *New York African Free School*. 1818. American Antiquarian Society (Worcester, MA), 3.

<sup>125</sup> *New York African Free School*. 1818. American Antiquarian Society (Worcester, MA), 9.

work collaboratively, and within a hierarchy of command. During an apprenticeship, the apprentice was expected to work with their master, fellow apprentices, and journeymen in the workshop. The collaborative environment was the means by which the apprentices were taught a skill. That way, when they finished their apprenticeship, they would be able to gain autonomy since they learned a skill during their apprenticeship. The collaborative and cooperative environment was how the apprentices' learned their craft. This was necessary in order to achieve eventual autonomy and independence from their masters. The end goal of the apprenticeship was that the apprentice became a moral, educated, industrious, cooperative, yet autonomous person.

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There is a discrepancy between what was prescribed in the contracts versus what was described, both textually and visually, for apprenticeships. Edward Carpenter serves as an example of an apprenticeship gone badly, in that his training did not result in a career as a Carpenter. But, he also serves as an example of an apprenticeship gone very well, because by the end of his term, he was a full member of society. While Carpenter's case may not have been typical for that of an apprentice, the fact that it was possible means that the contract neither prevented Carpenter's moral and individual development, nor entirely prohibited it. Carpenter used his apprenticeship to develop his individual moral path. Contrastingly, for post-Civil War freedmen, their labor contracts completely ignored the individual and his/her moral training. The labor system set up by the Freedmen's Bureau seemed to be modeled after the apprenticeship system of the North. The unmissable divergence between the two types of labor contracts is that while the apprenticeship contracts strove to provide moral guidance and instruction, the freedmen's contracts did not. Instead, the freedmen's contracts were drafted to create a legal, new form of the slave-labor system that had previously existed. A Freedmen's Bureau agent

even admitted, “the binding out seems to the freedmen like putting them back into slavery.”<sup>126</sup>

While the apprenticeship system might have looked like slavery, the system was embedded with individual development, moral instruction, and the freedom to go swimming in Green River.<sup>127</sup>

The purpose of the freedmen’s labor contracts were to put them into a form of consensual slavery, and not teach them to be moral citizens, but to be members of a wage-based economic and social system.

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<sup>126</sup> Mintz, 114.

<sup>127</sup> Carpenter (June 14, 1844).

### **Chapter Three: Freedmen's Contracts**

The move from a bondage form of labor to a free labor system in the South drastically impacted the entire United States. Contract became the symbol of freedom for former black slaves in the postbellum economy. The former slaves gained consent and agency over their work and over their lives. Through contract, they were able to earn wages. The apprenticeship labor contracts and the freedmen's labor contracts both trained laborers to be members of a society, and of an economy. The apprenticeship contracts as well as the freedmen's contracts created pathways to societal and economic membership. While the legal forms of both types of contracts were similar, the goals were different. The values that the contracts sought to teach the laborers do not disappear from the apprenticeship contracts to the freedmen's contracts. The process itself of entering into contracts inherently trains a certain set of values that esteem consent and free labor. But, missing in the freedmen's contracts are the moral lessons so prevalent in the apprenticeship contracts. The legal contracts of freedmen's labor as well as creative depictions of labor ante and postbellum provide a comprehensive depiction of the postbellum labor system. Despite the assumption that the labor system in the South drastically changed after the Civil War, the evidence shows that the labor system of the South did not actually change very much from before the Civil War to after the Civil War. Visually, the ante and postbellum images were practically identical. Legally, contract appeared to be a symbol of the new labor system, but did not result in any major changes in the lives of Southern blacks. The former slaves acquired freedom in name and in technical legal rights. However, in the freedpeople's day-to-day working lives, they did not have much consent, free will, or agency.

The antebellum Southern economy consisted of un-free black slaves performing hard,

manual labor in exchange for no monetary compensation. The slaves had very little agency over either the labor they performed or their lives beyond labor. With the Civil War came the Emancipation Proclamation, and following the Emancipation Proclamation came the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> constitutional amendments. Federal laws and departments such as the Freedmen's Bureau were created to secure the freedom of the former black slaves. Southern blacks were slaves no longer, and the black workers in the South came to be known as freedmen. Along with the legal transformation of slaves to freedmen came a new set of responsibilities and expectations of the new free populace. The nature of labor relations and the general economic structure in the South completely changed. Plantation owners now had legal responsibilities to contract for their labor. Thus, a new labor system was put into action with precedents from the Northern labor system of apprenticeships. Contracts became not only the law of the North, but also of the South. Contract labor grew to be a necessity for establishing new relationships between employers and freedmen. Specific laws, especially the Civil Rights Act of 1866, explicitly gave every citizen, including freedmen, the right to enter and make contracts.<sup>128</sup> The emancipation of slaves thus led to an entire new relationship of labor and economy for the entire United States.

Legally, the postbellum labor structure was vastly different from the labor structure antebellum. In practice, however, that was not always the case. Despite the creation of contracts, legal precedents, and constitutional law, the labor culture of the postbellum South was not all that different from the antebellum South. Although freedmen now had consent, freedom, and agency over their lives and the labor they chose to do, the system, and the contracts, still retained

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<sup>128</sup> "Civil Rights Act of 1866," *American Legal History*, ed. Kermit Hall, Paul Finkelman, James Ely (New York: Oxford University Press, 2005), 265.

the capacity to oppress, subject, and coerce. Ultimately segregation ensued. In a world where contracts were supposed to equate freedom and Republican values, that equation was not always true.

The legal status of slaves highlights the significance of their transformation into freedmen. Before the Civil War, there were numerous avenues to legally subjugate slaves. One such way was through the judiciary system. In the 1829 North Carolina court case *State v. Mann*, the judge ruled that it was legally, not morally, acceptable for masters to cruelly and unreasonably beat their slaves. The ruling was as follows: “It is the imperative duty of the Judges to recognize the full dominion of the owner over the slave. And this we do upon the ground, that this dominion is essential to the value of slaves as property, to the security of the master, and the public tranquility, greatly dependent upon their subordination; and in fine, as most effectually securing the general protection and comfort of the slaves themselves.”<sup>129</sup> Based on this decision alone, it is clear that the slaves lacked agency over their own lives, for they were explicitly noted as mere property of the master. Additionally, the paternalistic relationship between the master and the slave allowed the master to present abuse as protection of their slaves. The slave was not regarded as an independent, autonomous person, but rather, the slave was treated like a child.

The Emancipation Proclamation in 1863 by U.S. President Abraham Lincoln freed the slaves in the Confederate territory in hopes of encouraging black enlistment in the Union army. In addition to emancipating the Confederate slaves, Lincoln urged the freedmen to be allowed to work in exchange for wages: “And I recommend in all cases when allowed, they labor faithfully

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<sup>129</sup> “State v. Mann,” *American Legal History*, ed. Kermit Hall, Paul Finkelman, James Ely (New York: Oxford University Press, 2005), 222.



for reasonable wages.”<sup>130</sup> He thus encouraged a new free market, wage labor system in the South, modeled after that of the North. Although the Emancipation Proclamation did not in reality actually free many slaves, it transformed the Civil War to a war for freedom. For slaves living in Confederate territory, “the prospect for freedom improved as the Union army neared.”<sup>131</sup> The slaves were acutely aware of the imminence of freedom. In an interview with former slaves, when asked about their reaction to the Emancipation Proclamation, one of them said, “We knew freedom was on us, but we didn’t know what was to come with it or when it was going to come.”<sup>132</sup> Additionally, black poet Frances Harper from Maryland wrote a poem entitled “President Lincoln’s Proclamation of Emancipation, January 1, 1863.” In it she says, “Now the shadows bear the promise/Of the quickly coming day.../And the glorious dawn of freedom/Break refulgent on the sight.”<sup>133</sup> Although not technically free yet, slaves in the Confederacy knew freedom was about to happen. The new prospect of freedom for those still enslaved and the preliminary establishment of a wage system of labor were two legacies of the Emancipation Proclamation.

After the Civil War, the task of the United States government was to help the newly freed men and women adapt to their new life. The solution was to help the former slaves adjust to life as a freedperson through the creation in 1865, of the Bureau of Refugees, Freedmen, and Abandoned Lands, or the Freedmen’s Bureau. The agents of the Freedmen’s Bureau “focused especially on the labor problem, convinced as they were that a fair system of wage labor was the

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<sup>130</sup> Abraham Lincoln, “The Emancipation Proclamation,” *American Legal History*, ed. Kermit Hall, Paul Finkelman, James Ely (New York: Oxford University Press, 2005), 257.

<sup>131</sup> Ira Berlin, Marc Fabreau, Steven Miller, ed., *Remembering Slavery* (New York: The New Press, 1998), 210

<sup>132</sup> Berlin, 266.

<sup>133</sup> Lydia Maria Child. *The Freedmen’s Book. Freedmen’s Schools and Textbooks, Volume 6, 1865*, ed. Robert Morris (New York American Tract Society, 1980).

best school to teach the former slaves that hard work and ambition would lead to upward mobility. They insisted that planters give written contracts to freedmen.”<sup>134</sup> Many white educators, such as Henry Wilson, emphasized to the freedmen to work and to be industrious, values promoted by the Freedmen’s Bureau. In a speech he gave to the free blacks in Charleston, South Carolina in 1865, he advised the freedmen to work:

Remember that you are to be industrious. Freedom does not mean that you are not to work. It means that when you do work you shall have to pay for it, to carry home to your wives and the children you love. Liberty means the liberty to work for yourselves, to have the fruits of your labor, to better your own condition, and improve the condition of your children.<sup>135</sup>

The difference between slave labor and free labor, Wilson preached, was that free labor was done for the benefit of the individual doing the labor, not for the benefit of the master. Also, the freedman laborer now had the right to consent to the labor he chose to do. The freedman still had to work, but he now had agency over his life, his family, his person, and his labor.

The Freedmen’s Bureau created textbooks meant to educate freedmen in doing various things. One such textbook includes an essay on *Plain Counsels for Freedmen* by Clinton Bowen Fisk. Fisk’s advice echoes Henry Wilson’s. Striving for a class of hardworking, industrious freedmen, Fisk told freedmen to “Get good steady work as soon as you can. Do not attempt to live on the little jobs you may pick up about hotels and places of business.”<sup>136</sup> Men like Fisk

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<sup>134</sup> J. William Harris. *The Making of the American South* (Hoboken, New Jersey: Blackwell Publishing, 2006), 227.

<sup>135</sup> Child, 260.

<sup>136</sup> Clinton Bowen Fisk, “Plain Councils for Freedmen,” *Freedmen’s Schools and Textbooks, Volume 5, 1864*, ed. Robert Morris (New York American Tract Society, 1980), 23.

wanted the freedmen to develop the set of values they needed to become productive members of society. Fisk also discussed the differences between slave labor and free labor: “A slave works all his life for others. A free man works for himself, he gets paid for his labor; and if he saves what he earns and manages well, he can get on so well that he may spend the afternoon of his life in his own pleasant home, and never want for anything.”<sup>137</sup> Although still working, a freedman had the liberty to choose what he did in his free time, he was able to enjoy wages to do as he pleased, and was able to work towards his own personal goals.

Fisk went further to teach freedmen about contracts. Fisk defined a contract as “something which binds two or more parties.”<sup>138</sup> Fisk emphasized the importance of honoring contracts and that there may be penalties if a contract is not honored. What is interesting about Fisk’s advice for freedmen is that the basic elements he covers are work and contracts. When shaping the attitudes and educating the freedmen, it became crucial in the postbellum South to include contracts in the discussion. Contracts represented the new labor system based on consent, not force.

Labor contracts involve the assumption that a person’s labor requires compensation. With the creation of a new free labor population in the South, came a change in the commoditization of labor. The way labor was now bought and sold was through a contract: “Jurists and treatise writers who struggled to define labor contracts sometimes likened them to other commodity exchanges. A labor contract meant for the worker, a promise to deliver labor power and, for the employer, a promise to pay for that labor power. These elemental concepts ran aground,

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<sup>137</sup> Fisk, 42.

<sup>138</sup> Fisk, 47.

however, when one party to the contract failed to fulfill the promise.”<sup>139</sup> Postbellum, freedmen had control over to whom they decided to sell their labor. Antebellum, they had no choice. The idea of contracted wage labor became a critical element of the Southern economy, and a critical element of freedmen’s identities.

After the War, the new economic and labor structure of contracts came to equal freedom. According to Amy Dru Stanley, “In postbellum America contract was above all a metaphor of freedom. Contract imposed a social order through personal volition rather than external force.”<sup>140</sup> Contracts were about consent. The freedmen were able to consent to their labor for the first time ever. Contracts, in theory, removed the forcible nature of slavery, as both parties are supposedly equal and both have the capacity to consent to a formal agreement. Stanley explains the equivalence of contracts and freedom: “As a relation of voluntary exchange, contract was premised on self ownership. In order to surrender rights and accept duties, parties to contracts had to be sovereigns of themselves, possessive individuals entitled to their own persons, labor, and faculties...free will was intimately connected to rights of proprietorship.”<sup>141</sup> Postbellum, freedmen now possessed free will and self-ownership.

Many of the contracts freedmen entered into were in the form of contract templates provided by the Freedmen’s Bureau. The Kentucky contracts in particular were of this type. The best-selling nineteenth-century novel, *Uncle Tom’s Cabin* by Harriet Beecher Stowe, starts its story in Kentucky. When Abraham Lincoln signed the Emancipation Proclamation, Harriet Beecher Stowe was present at the ceremony in Washington, D.C. The audience cheered Stowe’s presence: “The crowd, convinced she had helped make this moment possible, was responding to

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<sup>139</sup> James D. Schmidt, *Free to Work* (Athens: University of Georgia Press, 1998), 15.

<sup>140</sup> Stanley, 2.

<sup>141</sup> Stanley, 3.

the torrent of energy by Stowe's antislavery best seller."<sup>142</sup> Furthermore, Lincoln himself supposedly acknowledged Stowe's crucial involvement with the Proclamation: "Lincoln's alleged greeting of her- 'Is this the little woman who made this great war?'- is the most famous statement ever made about Uncle Tom's Cabin."<sup>143</sup> *Uncle Tom's Cabin* is still widely regarded by historians as to have had a profound influence over not only the impetus of the Civil War, but also over the eventual emancipation of all slaves.

The typed, fill-in-the-blank, Kentucky labor contracts created a standardized, general form of a labor contract between a freedman and an employer. Most of the contracts are the same. The standard form is as follows:

That I am to furnish the person whose name is subjoined (freed laborer,) quarters, fuel, substantial and healthy rations, all necessary medical supplies in case of sickness, and the amount set opposite \_\_\_\_\_'s name, per month; one half to be paid at the expiration of every three months, for the services rendered for each three months preceding, the balance at the expiration of the year. \_\_\_\_\_ (name of freedman) agrees to work faithfully for the said \_\_\_\_\_ (name of employer) obeying all his instructions in good faith and in case \_\_\_\_\_ leaves his service before the expiration of this contract (provided not driven off or maltreated), \_\_\_\_\_ is to forfeit all wages due at the time of leaving.<sup>144</sup>

The Freedman's Bureau produced these standard contracts in 1866 for the state of Kentucky.

A specific 1866 contract between Arthur Bledsoe, employer, and Henry Bledsoe, freedman employee, further illuminates the nature of postbellum contract.<sup>145</sup> First of all, the contract is very likely between a master and his former slave, as it was custom in the paternalistic

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<sup>142</sup> David Reynolds, *Mightier than the Sword* (New York: Norton, 2011), x.

<sup>143</sup> Reynolds, x.

<sup>144</sup> *Freedmen's Bureau Labor Contracts*. 1866. From the U.S. National Archives.

<sup>145</sup> *Labor Contract between Abraham Bledsoe and Henry Bledsoe (freedman)*. 1866. From the U.S. National Archives.

relationships between slaves and their owners for slaves to take the last name of their masters. Arthur Bledsoe evidently hired Henry Bledsoe directly after Henry became free. Second of all, the line of “all necessary medical supplies in case of sickness” is crossed out in this particular Bledsoe-Bledsoe contract. The elimination of the issuing of medical supplies in case of sickness is also crossed out in many other contracts that follow the same format as the Bledsoe’s. The fact that this Bledsoe-Bledsoe contract is probably between a former slave and his former master suggests that the equation of freedom with contract might not actually be how the relationship functioned. It does not seem likely that Arthur Bledsoe would treat Henry Bledsoe any differently as a freedman, or that Henry Bledsoe would necessarily have any more agency or control over his own life than he had as a slave. Freedom and contract appear to simply be terms that do not change the actual labor practices in the case of the Bledsoe-Bledsoe contract.

Another 1866 Freedmen’s Bureau fill-in-the-blank contract is one between freedmen Marshall and employer Figgans.<sup>146</sup> The Figgans-Marshall contract also features a crossed out agreement to provide “all necessary medical supplies in case of sickness” line. Contracts between Finch-Garrison, Plate-Glenn, and Finch-Jones also all have the same line crossed out.<sup>147</sup> It is possible that the Freedmen’s Bureau crossed out the line before the contract entered into the hands of the employers and freedmen. Regardless, all five employers promise to provide food, clothes, and wages to their freedmen laborers, but refuse to supply medical supplies. The generic contracts do not seem to promise lofty dreams of freedom and agency as propagated by the law and by the Freedmen’s Bureau.

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<sup>146</sup> *Labor Contract Between Marshall and Figgans*. 1866. From the U.S. National Archives.

<sup>147</sup> Finch-Jones, Finch-Garrison, Plate-Glenn (1866).

The omission of medical care on the Freedmen's Bureau-produced contracts was a measure intended to give former slaves more freedom and to also cut costs. Antebellum, health care for slaves was provided by their masters. The Freedmen's Bureau mandate "was to facilitate for blacks the transition from free medical care provided by slave-owners to self care."<sup>148</sup> However noble the Bureau's intentions, often in the state-operated medical facilities for free blacks, there were a lack of medical personnel, organization, and supplies. In addition, the Bureau's model contract including "all necessary medical supplies in case of sickness" was an effort of the Bureau to force health care for the employees on the employers, since the state-funded facilities were few and far between. Interestingly, Gaines Foster targets Kentucky's Bureau developed health care system as particularly lacking compared to other Southern states: "The Bureau strove to expand its health care system in the South. However, there was limited assistance in Kentucky."<sup>149</sup> Therefore, in this particular group of Kentucky labor contracts, not only were the employers specifically not providing medical services for their freedmen employers, but also there was limited access to health care elsewhere for them.

Furthermore, the contracts appear to be standardized pseudo-agreements into a return to slavery. In addition, nowhere on any of the contracts does it specify what type of labor the freedmen are promising to do. Evidently the omission of contractual details was on purpose. Observed by a historian regarding such practices across the South,

More often, slaveholders-turned-employers couched references to past practices in less explicit language, perhaps because they thought it unnecessary to spell out specific terms

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<sup>148</sup> Todd Savitt, "Politics in Medicine," *Kent State University Press*, Vol. 28, No. 1 (March 1982).

<sup>149</sup> Gaines Foster, "The Limitations of Federal Health Care for Freedmen," *The Journal of Southern History*, Vol. 48, No. 3 (Aug 1982).

or because they wished to avoid the antagonizing Northern officials. Innumerable contracts obligated freedpeople to ‘remain as heretofore, and work as heretofore,’ or to work ‘as they always have done’.<sup>150</sup>

Working as they had always done was not freedom for the former slaves, rather it was simply the same system as before, just under a different name. The Freedmen’s Bureau supplied contracts appear to be a mere formality and only a symbol of freedom: “At least in theory, the planters no longer owned their workers, but had to deal with them on equal terms.”<sup>151</sup> The form contracts, as used in Kentucky, were contract recommendations, which did not require Bureau approval. By using them, it was easier for the planters and the Bureau officials.<sup>152</sup> In theory, the contracts give the freedmen a new, better, and different way of life. In actuality it seems the contracts serve as a mere formality designed to resume the old labor system.

A labor contract between *An Alabama Planter and Alabama Freedpeople* outlines demands that do not seem to fulfill the postbellum promises of freedom and autonomy. Planter Penick requires that, “Said Negroes are to remain on the said Penicks plantation and occupy the houses are heretofore until the end of the present year and they are to complete the working of the said Penick’s crop.”<sup>153</sup> The free laborers on this particular plantation are not allowed to own their own houses, or even live away from the plantation. A labor contract between *A Mississippi Planter and His Former Slaves* forces the freedmen to remain on the plantation as well. The contract explicitly states that the freedmen are to “stay at home unless permitted to leave by said

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<sup>150</sup> Steven Hahn, Steven Miller, Susan O’Donovan, John Rodrigue, Leslie Rowland, ed. *Freedom* (Chapel Hill: University of North Carolina Press, 2008), 321.

<sup>151</sup> Rodrigue, 2.

<sup>152</sup> Hahn et al, 353.

<sup>153</sup> Hahn et al, 341.



Donelson.”<sup>154</sup> By signing the contracts, the freedmen were essentially consenting to enslavement and confinement on their master’s plantation.

After the War, the nature and the structure of the Southern economy was drastically altered because of the freedmen. For Southern whites, the end of the Civil War meant the end of life as they knew it. According to Harris, “Most white Southerners felt sadness and trepidation [by the end of the war]. The war had killed perhaps 250,000 Confederate soldiers and grievously wounded many thousands more. Most stunning of all, the social world built on slavery had been turned upside down.”<sup>155</sup> Not only was the Southern economy entirely changed, but so was the entire Southern society. For planters, they “operated from a position of weakness within a rapidly changing sugar market at the very moment that they confronted the problem of labor readjustment.”<sup>156</sup> The new labor structure was difficult for both the freedmen and the planters to surmount. While the freedmen had to learn the new values and expectations inherent to free labor, the Southern whites had to also become accustomed to a new way of thinking about their society and their economy. It was hard for former slave masters to navigate the new Northern-imposed labor system of contract. As would be expected, “Planters continually announced their disapproval of free labor, insisting that it compromised their control of the work force and jeopardized their future.”<sup>157</sup> Economically speaking, free labor was not in the best interest of the planters. So, even though they now were required to contractually hire freedmen, and in some cases the same freedmen who had been their own slaves, they were not happy with the new system. The planters were “determined to control the freedmen’s personal conduct as well as

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<sup>154</sup> Hahn et al, 344.

<sup>155</sup> Harris, *The Making of the American South*, 228.

<sup>156</sup> Rodrigue, 7.

<sup>157</sup> Rodrigue, 50.

their working lives. This impulse derived from planter's need to command labor, but it also originated in their obsession to dominate black people as they once had."<sup>158</sup> In such a postbellum atmosphere, where the white employers were doing everything in their power to continue to subjugate the freedmen as they once had, it seems logical that planters would manipulate the contracts in such a way as to keep the freedmen essentially enslaved through contract.

One of the driving factors of the planters' desire to return the freedmen to a labor system similar to slavery was paternalism. The relationship between the planter and the slave was typically thought of as a parent-child like bond. The master would take the role of the parent, while the slave was their infantilized child, not unlike the apprentice-master relationship. This can be seen in the fact that Henry Bledsoe, freedmen, took the last name of Arthur Bledsoe who was his employer in the labor contract. The system of paternalism is based on the notion that there is a personal bond between the slave and the master. The shift from a personal responsibility to a contractual relationship, which is inherently impersonal, detached, and legal was very difficult and strange for both the planters and their former slaves. This switch to impersonal contracts diverges from the previous apprenticeship system. The apprenticeship system was based on personal bonds between the apprentice and the master. When the apprentice system was applied to the freedman, however, the personal nature of the labor relations was removed. Harris explains the strangeness of paternalism:

Master-slave relationships formed one part of a larger constellation of household relationships, in which the father was the head of all, women, children, and "servants" below him...A slave plantation is best understood as a kind of extended household.

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<sup>158</sup> Rodrigue, 54.

Slaves were, in the planters' eyes, a race of perpetual children, and as good patriarchs, they had both the right and the duty to discipline them.<sup>159</sup>

Paternalism was rooted in the symbiotic relationship between the master and the slave. Both were dependent on each other. The dependency fostered odd relationships of love and hate.

Often freedmen would return to work for their former masters as Henry Bledsoe did. But sometimes, they refused to do so. Planters still wanted a slave-like labor system, simply just under the name of free labor: "Neither the Emancipation Proclamation nor slavery's abolition could induce the planters to retreat from their contention that they must be able to compel labor."<sup>160</sup> Freedman Jourdon Anderson responded to a letter sent by his former master Colonel P.H. Anderson in 1865 refusing to accept Colonel Anderson's offer of employment. Echoing the paternalism that the relationship was evidently based on, Jourdon Anderson says, "Although you shot at me twice before I left you, I did not want to hear of your being hurt, and am glad you are still living."<sup>161</sup> In the letter Jourdon Anderson asks Colonel Anderson for wages reimbursing him for the labor he did when he was his slave. Jourdon Anderson contemplates moving back to the plantation by questioning if it would be to his "advantage."<sup>162</sup> Jourdon exercises his new right of free will and consent by considering the offer. He then asks for his due labor compensation: "If you fail to pay us for faithful labors in the past, we can have little faith in your promises in the future. We trust the good Maker has opened your eyes to the wrongs which you and your fathers have done to me and my fathers, in making us toil for you for generations with recompense."<sup>163</sup>

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<sup>159</sup> J. William Harris, *Deep Souths* (Baltimore: Johns Hopkins University Press. 2001), 107.

<sup>160</sup> Rodrigue, 56.

<sup>161</sup> Child, 265.

<sup>162</sup> Child, 266.

<sup>163</sup> Child, 267.

Jourdan bargains with his former master, something he would never have been able to do prior to emancipation. The paternalist relationship between slave and master did not deter Jourdan from exercising his new rights. Because of the paternalism prevalent in the relationship between former slave and former master, it was difficult for both employers and employees to mediate the new labor constructs: “Accustomed to the personal compulsion of slavery, former slaveowners and former slaves were alike unprepared for a social order founded on the impersonal compulsion of contracts.”<sup>164</sup> Given the prevalence of paternalism, it makes sense that Northern officials would apply a labor system created for apprentice children to the infantilized black slaves. Contracts, being based on impersonal, and purely legal interactions, created a new and strange way of seeing labor and work for Southerners of all races.

Although the freedmen had to consent to a contractual agreement of labor in exchange for wages, often their treatment once they signed the contract was very similar to when they were slaves. Commonly, the freedmen were coerced into signing the contracts, even if they were unfair: “Brutality figured among the means by which employers thrust freedpeople into disadvantageous labor agreements. One former mistress who wished to keep her former slaves at work for nothing beyond maintenance exploited their illiteracy by having them sign a contract they did not understand.”<sup>165</sup> One form of such labor, which mimicked slave conditions, was sharecropping. The system of sharecropping was brought about at the reluctance of the planters: “Freed men and women would not work like slaves in gangs under close supervision, at least for the wages that cotton planters could pay, so planters had to concede them a considerable measure of control over their own day-to-day work patterns. Given the planter’s lack of cash and the

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<sup>164</sup> Hahn et al., 310

<sup>165</sup> Hahn et al., 322.

freedmen's determination to claim as much autonomy as possible after emancipation, most planters generally had little choice but to rent out parcels of land to families, and to pay these workers with a share of the crop."<sup>166</sup> Sharecropping, a system that originated because of circumstances, was a way for the planters to get the labor they wanted and pay them very little, and also for the freedmen to get a minute semblance of freedom. The system did "give black workers a great deal more control over their own time and labor," but it was still a contrived, unequal, and relatively unfair labor scheme.<sup>167</sup> The sharecropping agreements were legitimized through a labor contract: "A sharecropping contract, which paid for labor only when the harvest was in, gave tenant families an incentive to stay with the farm for the entire year."<sup>168</sup> The freedmen had to buy the tools and supplies necessary to make their land profitable. This left the freedmen in debt to whomever they purchased the necessities from. Instead of being enslaved to the planters, the freedmen were enslaved by their debt, thus creating a new form of dependency and subjugation.

Other ways the whites continued to subjugate the freedmen was through Black Codes. Black Codes were formulated prior to the Civil Rights Act of 1866 in various Southern states. The Black Codes were intended to limit the rights of freedmen through various mechanisms. Harris notes that, "Obviously, white leaders intended to preserve, as much as possible, planters' control of African Americans' labor."<sup>169</sup> The purpose of the Black Codes was to undermine their newfound freedom. The Civil Rights Act of 1866 guaranteed the rights of freedmen that were

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<sup>166</sup> Harris, *Deep Souths*, 32.

<sup>167</sup> Harris, *Deep Souths*, 32.

<sup>168</sup> Harris, *Deep Souths*, 32.

<sup>169</sup> Harris, *Making of the American South*, 230.

denied by the Black Codes. It was the federal government's way of challenging the racist Southern majorities; it was "intended to override the Black Codes."<sup>170</sup>

Liberty of contract developed into a fundamental cornerstone of the American free-market economy. In the 1897 court case, *Allgeyer v. Louisiana*, the court ruled the following:

It is the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue and livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned.<sup>171</sup>

In the nineteenth century, contract developed and consequently became entrenched into the American free-market system. According to legal historian Roy Kritner in his book *Calculating Promises*, the development of contract directly correlates to the development of the free market economy. He explains:

The development of modern contract law goes hand in hand with the expansion of the free market. The concurrent development is the story of individuals capturing the power to make their own decisions about production and consumption, in accordance with their own preferences and interest. This much is so widely accepted that it is nearly forgotten background; it becomes the very stage on which the play of contract law is enacted.<sup>172</sup>

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<sup>170</sup> Harris, *Making of the American South*, 231.

<sup>171</sup> "Allgeyer v. Louisiana," *American Legal History*, Ed. Kermit Hall, Paul Finkelman, James Ely (New York: Oxford University Press, 2005), 399.

<sup>172</sup> Roy Kritner, *Calculating Promises* (Redwood City, California: Stanford University Press, 2007), 3.

As Amy Dru Stanley argues, “Through the lens of contract many Americans conceptualized the transition from slavery to freedom and pondered the ambiguities of a culture that deplored the traffic in slaves while pushing nearly all else to sale in the free market.”<sup>173</sup> The development of contract as a cornerstone of the American economy developed in part because of the new emphasis on contract with regards to freedmen. While a free labor system existed in the North, it took the abolition of slavery to spread that system to the South. Emancipation and the need to distinguish slave labor from free labor centered on the contract. Essentially, the freedmen’s labor contracts enabled America to wholly develop into a contractual free-market, free-labor society.

Obviously, contracts did not necessarily mean full freedom for the freedmen. Contracts equaled freedom by giving freemen rights to do things they could not do before. Contracts exercised the freedmen’s new powers of consent, free-will, and choice. Stanley argues that contracts were the key that separated bondage from freedom: “Classical wage doctrine underpinned the antislavery image of the hireling as master of a household who sold his labor to pay for maintaining his wife and children.”<sup>174</sup> To Stanley, the mere fact that freedmen were able to earn wages made freedom inherently different. Frequently, however, freedmen were compelled to do the exact same type of labor that they had done when they were slaves. South Carolina planter and Judge Kelly urged the freedmen to work for his plantation in 1865: “Labor is the law of all. We want you to work with us. We want you to do it by working here in South Carolina, earning wages, taking care of your money, and making profit of that money. Work on the plantation, if that is all you can do.”<sup>175</sup> Similarly, also in South Carolina, the Chairman of

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<sup>173</sup> Stanley, x.

<sup>174</sup> Stanley, 146.

<sup>175</sup> Child, 262.

Orangeburg, South Carolina gave a speech in 1865 to freedmen pertaining to the Freedmen's Bureau contract commission. The Chairman said:

You are now free, but you must know that the only difference you can feel yet, between slavery and freedom, is that neither you nor your children can be bought or sold. Every man must work under orders. The soldiers, who are free, work under officers, the officers under the general, and the general under the president. There must be a head man everywhere, and on a plantation the head man, who gives all the orders, is the owner of the place. Whatever he tells you to do you must do at once, and cheerfully. Never give him a cross word or an impudent answer. If the work is hard, do not stop to talk about it, but do it first and rest afterwards.<sup>176</sup>

The Chairman goes on to tell the freedmen: "Do not think of leaving the plantation where you belong. There is no better place for you anywhere else."<sup>177</sup> Freedom, contract, consent, and free will were merely words to describe an unattainable ideal.

White elites' aspirations to control black people did not change. This was manifested in the labor experiences of the free blacks in the face of contract. Contract did not necessarily lend itself to freedom, but it merely created a new, legal relationship between the employer and the freedmen. Contract as a widespread and dominating principle for free labor was perhaps the most important lasting legacy of the postbellum economy. The new emphasis on contract redefined Southern society: "Whether formal written documents or vague verbal understandings, the labor agreements that emerged in the spring and summer of 1865 mapped the new terrain on which

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<sup>176</sup> Charles Soule, "Chairman of the Orangeburg, South Carolina, Commission on Contracts to the Freedmen's Bureau Commissioner, Enclosing a Speech to the Freedpeople; and the Commissioner's Reply 1865." *Land and Labor 1865*, ed. Steven Hahn, Steven Miller, Susan O'Donovan, John Rodrigue, Leslie Rowland (Chapel Hill: University of North Carolina Press, 2008).

<sup>177</sup> Soule.



former slaves and their employers would engage one another.”<sup>178</sup> Postbellum, the Southern economy was both transformed, yet at the same time the specific labor relations was relatively unchanged.

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<sup>178</sup> Hahn et al, 331.

## Chapter Four: Cultural Representations of Freeman's Labor

Visual representations of postbellum labor in the South seem to illustrate that for blacks the postbellum labor economy of the South was not very different from the antebellum labor economy for blacks. Fictional literary representations seem to tell a different story. Comparing visual representations to literary representations illuminates the discrepancies between the two creative media. Analyzing cultural depictions of freedmen labor is important in providing a more complete representation of what labor was like.

Antebellum depictions of labor set the baseline for images of postbellum labor. The antebellum 1843 illustration, *Farmers Noonning*, shows a seemingly idealistic and romanticized interpretation of black labor (Figure 9).<sup>179</sup> It is not specified if the illustration is depicting the North or the South or if the black laborer is free or enslaved. However, the image is revealing. It shows five laborers apparently taking a break from work. Four of the farmers appear to be white and one, located in the very center of the illustration, is black. In 1843, this scene would be unusual, but not unheard of, for a myriad of reasons, one of them being the apparent integration and racial acceptance. The four white men do not appear to be disgusted to be in the presence of the black man, nor do they appear to be of a higher working or social status. Perhaps this illustration depicts a free black man in the North, for in the plantation South, not only would this scene be rare, but also workers, white or black, probably would not have had the free time to simply lounge around.

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<sup>179</sup> "Farmers Noonning." 1843. Alfred Jones. ARTstor Collections. Figure 9.

Colonial Williamsburg in Virginia houses an expansive museum collection with numerous images depicting slave life and slave labor. The watercolor, *Scenes of Slave Life*, was painted in the 1830s, clearly showing a depiction, although a possibly exaggerated one, of slave life (Figure 10).<sup>180</sup> The painter is unknown. The images show a slave sale, transportation to the plantation, and finally, three scenes depict working life. While the slaves are hard at work, the white overseer appears to be whipping them with a lash, a commonly depicted punishment for slaves. H.L. Stephens' 1863 image *The Lash* shows a similar scene. The constant presence of overseers was a characteristic of slavery that often appeared in visual representations. The idea that the slave was not free to do as he pleased while working is a characteristic of the lack of agency present in slave life.

After the Emancipation Proclamation took effect on January 1, 1863, an outpouring of anti-slavery images appeared in Northern publications. The 1863 image collection by H.L. Stephens seems to expose Northerners to the brutality of the slave-labor system. H.L. Stephens was born in Philadelphia and worked as an illustrator. *Harper's Weekly* occasionally contracted him to produce anti-slavery images for the publication, but it is unknown where this particular image collection originally appeared. The following images are possibly a form of propaganda, but nonetheless show an interpretation of what it was like to be a slave, and then what it would be like to be a free man. Stephen's image entitled *In the Cotton Field*, published in 1863 shows a typical working scene on a Southern cotton plantation (Figure 11).<sup>181</sup> It depicts a faceless black worker bent over picking cotton. Fellow slaves are around the central figure doing the same task. As the collection seems determined to show all aspects of slave life, there is another image called

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<sup>180</sup> "Scenes of Slave Life." 1832-1835. Colonial Williamsburg emuseum. Figure 10.

<sup>181</sup> "In the Cotton Field." 1863. H.L. Stephens. ARTstor Collections. Figure 11.

*The Lash*, which depicts a slave master brutally whipping a slave (Figure 12).<sup>182</sup> A third image from the same collection is labeled *Stand Up a Man!*<sup>183</sup> This image (Figure 13) shows a white man holding an American flag standing over a black man. The black man appears to have been beaten and cries into his hands. The white man implores the black man seemingly to “stand up and be a man!” and therefore to accept the responsibilities that come with being an officially free man. The black man is wearing a Union soldier’s uniform. The American flag symbolizes freedom and control over oneself through personal agency. A final image from the H.L. Stephens 1863 collection is simply called *Victory* (Figure 14).<sup>184</sup> The former slave is now a free man and accepts his freedom and the responsibility that comes with it. The black figure in the image is a free man with his head thrown back in victory as he clutches the American flag. The appearance of the flag in yet another image further emphasizes the importance the symbolic nature of the flag to the freedmen. Post emancipation, blacks could claim their rights as American citizens legitimately. Although the 1863 images were most likely spread as efforts to sway the opinions of white Northerners to join the anti-slavery efforts, they nonetheless provide valuable visual depictions of slavery, the brutality that came with it, and the responsibilities of freedom.

The American flag used as a symbol of freedom and individual agency was present in many images by different artists. Art Historian Kirk Savage draws attention to the image entitled *Freedom to the Slave* from 1863 as a representation of freedom because of the use of the flag (Figure 15).<sup>185</sup> The image shows a black man in a Union army outfit holding up an American flag with the words “freedom to the slave” blowing across a banner. A public school is to the right of

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<sup>182</sup> “The Lash.” 1863. H.L. Stephens. ARTstor Collections. Figure 12.

<sup>183</sup> “Stand Up a Man!” 1863. H.L. Stephens. ARTstor Collections. Figure 13.

<sup>184</sup> “Victory.” 1863. H.L. Stephens. ARTstor Collections. Figure 14.

<sup>185</sup> Kirk Savage, “Molding Emancipation: John Quincy Adams Ward’s *The Freedman* and the Meaning of the Civil War,” *The Art Institute of Chicago Museum Studies* Vol. 27, No. 1 (2001). JSTOR. Figure 15.

the image with another American flag flying above the door. It is clearly symbolizing hope, freedom, and opportunity. In total there are three American flags in the image. According to Savage, the purpose of the image was to recruit blacks to fight for the Union Army:

Freedom to the Slave was circulated throughout the South by the Union Army after Emancipation. Not, 'all slaves were made freedmen by Abraham Lincoln.' Lincoln's proclamation did not free any slaves in Union territory, but rather promised freedom to those slaves in Confederate hands...Lincoln reasoned that the male slaves who could be drained from the Confederacy would become an important source of new manpower for the Union army.<sup>186</sup>

The purpose of the *Freedom to the Slave* 1863 image was a call to enlist. It used the image of the American flag as a token of freedom to entice the Southern blacks to fight for the Union cause.

After slave emancipation and the end of the Civil War, white Southerners held very strong views about the newly formed population of free blacks. As would be expected, many Southern plantation owners wished the labor structure would stay exactly as it had been despite emancipation. Rodrigue argues that planters wanted to control the freedmen's work lives as well as their private lives while continuing to "dominate black people as they once had."<sup>187</sup> As Rodrigue discusses, the sugar planters did not economically benefit from emancipation. Emancipation was simply an economic burden for them, for now they had to pay the same people for labor who used to work for free. The sentiments of Louisiana in particular are depicted in the 1871 cartoon *Murder of Louisiana Sacrificed on the Altar of Radicalism* (Figure

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<sup>186</sup> Savage, 26.

<sup>187</sup> Rodrigue, 54.

16).<sup>188</sup> The cartoon shows a figure laid out on a block. The figure is meant to personify the state of Louisiana. Two aggressive looking black men hold the figure's hands and feet. The insinuation is that the two black men are murdering the figure representing Louisiana. The radicalism of emancipation and black freedom constitute the metaphorical murder of Louisiana. In keeping with Rodrigue's argument, emancipation and the blacks' newfound right to choose what labor they wished to do destroyed both Louisiana's culture and economy.

Transitioning to the postbellum, free labor economy, visual representations of the new labor system look very similar to the slave-overseer dynamic as was depicted in *Scenes of Slave Life*. In the book *Reconstruction in the Cane Fields*, Rodrigue includes an image of post emancipation free black labor (Figure 17).<sup>189</sup> Underneath the picture, Rodrigue included a caption: "Despite emancipation, most former slaves in the sugar country, men and women alike, continued to work under the watchful eyes of overseers, managers, and planters."<sup>190</sup> This image is extremely similar to the other images of the slaves and their overseers working in the fields. The overseer is positioned atop a horse while the black laborers are on the ground doing the hard work. The overseer's higher physical position in space suggests superior status and also that he is in a position of immense control. On this particular plantation in this particular image, it appears the planters and the overseers continue with the same practices as they had in the antebellum period. It looks as though nothing has changed, and the old labor system is still firmly in place. Perhaps such an image was created to pacify white Southerners' fears of a changing Southern economy. Additionally, representing an unchanged labor system might also bolster the Freedmen's Bureau's goals of a similar labor system as before under a different name.

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<sup>188</sup> "Murder of Louisiana Sacrificed on the Altar of Radicalism 1871." ARTstor Collections. Figure 16.

<sup>189</sup> Rodrigue, 139. Figure 17.

<sup>190</sup> Rodrigue, 139.

Postbellum, the portrayals of the Southern labor economy appear very similar to the antebellum labor economy in still other images. The 1883 image *Sunny South* (Figure 18) shows an idealized view of a traditional Southern economy.<sup>191</sup> Black workers appear to be busily picking cotton to the left, and a sunny vision of the Mississippi River dominates the right. This image glorifies the old South. As the image is dated 1883, the black workers, although they appear to be doing the same work as depicted in the image *In the Cotton Field*, are in fact free men. In fact, Reconstruction had been over for five years. Why then, if they are free, are the black laborers depicted in almost exactly the same way as in the image informing Northerners about slavery? Judging from *Sunny South*, it appears the cotton system of labor is exactly the same. There are no white laborers picking cotton alongside the blacks. The blacks seem to be laboring alone as they did when they were enslaved. An artist that echoes the ideas shown in *Sunny South* is William Aiken Walker.

William Aiken Walker was a white Southern American painter. He served in the Confederate army during the war.<sup>192</sup> After the war, he dedicated his life to painting “landscapes and still-lives, and his most typical scenes depict the unchanging ways of the ‘old South’, often showing blacks working at domestic chores or out in the cotton fields.”<sup>193</sup> Walker’s image *A Cotton Plantation on the Mississippi* (Figure 19) speaks to the same idea as does *Sunny South*. Walker created the image in 1884, but it looks as though it could have been created thirty years prior. White overseers are shown in the foreground in the very center of the image. All around them are black laborers picking cotton. As was Walker’s intention, *A Cotton Plantation on the*

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<sup>191</sup> “Sunny South.” 1883. ARTstor Collections. Figure 18.

<sup>192</sup> Bruce Chambers, “Walker, William Aiken,” *Grove Art Online*, *Oxford Art Online*, Oxford University Press.

<sup>193</sup> Chambers.

*Mississippi* shows an unchanged, mythical South. Perhaps Walker's vision is not propaganda or satirical in the same way the *Harper's Weekly* illustrations mock the unchanged ways of the Southern labor system.<sup>194</sup> But, Walker does seem to be propagating the notion that the South has not changed at all postbellum, and that such a fantasized vision of Southern life actually existed in the first place. Walker's representation glorifies the ways of the old South by claiming such economic systems still persist.

In 1865, *Harper's Weekly* ran a cartoon called *The Great Labor Question from a Southern Point of View* (Figure 20).<sup>195</sup> This particular cartoon ran in *Harper's Weekly* on July 29, 1865. The 13<sup>th</sup> Amendment, which proclaimed the end of slavery, was passed in February of 1865, meaning slavery was over by the time the cartoon ran in the publication. The image depicts a black man carrying tools and wearing no shoes walking by a white family lounging on their porch. Behind the black man are other black laborers using the same tools the man in the front carries. The physical dichotomy between the white family and the black man is striking. While the white family wears fancy-looking clothes and shoes, the black man appears to be wearing ill-fitting clothes and does not have any shoes. His physical appearance suggests his way of life must be sub-par compared to the white family on the porch. This image could easily be a depiction of a slave walking by his master and mistress. The only thing that makes the image not an image of slavery is the date signifying that it was printed in 1865 after slavery ended. From this image, it appears blacks and whites, although equally free in 1865, still abide by their traditional Southern economic and social roles.

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<sup>194</sup> Walker "A Cotton Plantation on the Mississippi." Figure 19.

<sup>195</sup> "Illustration for Harper's Weekly, 9, no.448. The Great Labor Question From a Southern Point of View (1865)." ARTstor Collections. Figure 20.



Literary as well as visual representations of the freedmen's working experience serve to illustrate the postbellum South. The American Tract Society published a book intended to assist freedmen in the transition from slavery to freedom. The advice books were taught in freedmen's schools to guide the freedmen on the paths to productivity and social contribution. One of the books, which functioned both as an advice book and as a storybook is called *Freedmen's Schools and Textbooks: Volume 5*. The textbook contains two sections: one is a story called "John Freeman and His Family" by Helen Brown. It functions as a creative tale told to convey certain messages to the freedmen. The second is an advice guide for freedmen on societal advancement called "Plain Counsels for Freedmen" by Clinton Bowen Fisk. The American Tract society was a Boston-based organization. Brown and Fisk were abolitionists.<sup>196</sup> The first edition was published and distributed in freedmen's schools starting in 1864.

In "John Freeman and His Family", the main character, John Freeman, says that since he is free he would like to enter into a "'spectable profession."<sup>197</sup> A "'spectable" profession would seemingly not include the same field work he did when he was enslaved. But John Freeman then goes on to say how the purpose of his work has shifted since emancipation: "These hands were made to work, I'm persuaded, for haven't they always worked hitherto? I've used 'em, and given all I made to Master Lenox; now I'll use 'em, and give all I made to Master John. That's the difference."<sup>198</sup> To John Freeman, it does not matter if he is doing the exact same work as he did pre-emancipation, but rather the distinction lies in for whom he's doing the work. While when he was enslaved, John worked with his hands doing manual labor for his master's benefit, after he

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<sup>196</sup> Robert Morris, introduction to *Freedmen's Schools and Textbooks*, Vol. 5 (New York: American Tract Society Press, 1980).

<sup>197</sup> Brown, 11.

<sup>198</sup> Brown, 14.

got his freedom, he worked for his own benefit. Perhaps John Freeman would not have a problem with returning to the cotton or the sugar fields even after he was free, for although the work was the same, something still changed. The element of pay, consent, and contract make the work different.

Although the visual representations seem to imply free life was just the same as slave life for former freed blacks, other creative representations, like the story of “John Freeman and his Family” seem to suggest otherwise. Another element that separates slaves’ work from freedmen’s work, even if the work was the same, was the element of free will. John Freeman explains free will in the story book: “People who are willing to work can always find enough to do, and that gives them the means of buying food and clothing of what sort they please. They are not obliged to live on corn and bacon, and wear the negro cloth which their masters choose to get for them. They can have coffee and tea and fresh meat and molasses and milk, and many other things which they like; and for clothes, can buy according to their taste.”<sup>199</sup> This reflects a move towards the refinement of freedmen, similar to what happened with apprentices in the early nineteenth century. Concepts of gentility were applied to freedmen, postbellum. Even if the freedman may still work as field hands, post-emancipation, they now have free will. They can buy and consume whichever goods and clothes they like, within their means of course. John Freeman also explains why the freedmen must do the same labor as they did when they were enslaved: “Some must do one thing and some another. Some must make the hoes, and some must use them in raising the cotton, and some must make the cotton into cloth, to make our dress of.”<sup>200</sup> The same work must be done in order for the economy to continue to run.

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<sup>199</sup> Brown, 40.

<sup>200</sup> Brown, 41.

Consequentially, the labor may look the same. The difference is that the former slaves are now getting compensated for their work. They consent to the work, and get paid accordingly.

The visual depictions of antebellum black labor and postbellum black labor look the same. The actual difference lies in whom the black laborers are performing the labor for, the fact that they have consented to do the work through the form of a contract, and that they are being compensated for their labor. Literary representations of Reconstruction, such as “John Freeman and his Family,” serve to provide context for the visual images. Combining different representational approaches tells a more complete story of how labor changed from slave labor to contract labor. Of course “John Freeman and his Family” was published as a type of pro-freedmen, propagandist literature designed to mold the free black youth of the South into model and productive citizens. It is definitely possible that this was not how freedmen actually felt towards field labor. The various creative outlets, visual depictions as well as literary depictions, seem to tell contradicting information about postbellum freedmen labor. As with the apprenticeship contracts, there seems to be a discrepancy between what was prescribed versus what was described. To combine the two viewpoints, what actually seemed to change was not necessarily the type of labor that freemen did postbellum, but rather that emancipation re-defined labor in a philosophical or economic sense, but not an actual one.

The labor system of the postbellum Southern economy promised to be one of freedom for the former black slaves. Although this was technically true through contract, in practice, little changed in the labor system. By examining visual representations of ante and postbellum labor, as well as legal contracts and historians’ works, it is clear that the labor system in the South postbellum, remained more or less the same in actuality. In theory, however, contract served as a symbol for the newfound freedom and agency the freedmen had over themselves and over their

labor. Regardless, the contract system of labor in the South, as imposed by Northern Freedmen's Bureau officials, succeeded in spreading free-labor ideals throughout the entire United States.

## Conclusion

The transition from subject to citizen in the Revolutionary moment brought about the possibility that individuals could change their social, economic, and political standing. The hierarchical European social structure broke down and regular people were empowered to create a future for themselves by their design and by their abilities. The transition from slave to freedmen marked a similar moment of change, just for a different group of people. Despite the century of time that separated the American Revolution and the Civil War, the language used in the labor contracts present in each moment is remarkably similar. Contracts were used in one way or another to train members of each community to be ideal and productive members of society and productive participants in their respective economies. The apprenticeship contracts can be seen as precursors to the freedmen's contracts. The process itself of entering into, consenting to, and signing contracts, applicable to both historical moments, represents the training of community members. Ultimately, both the apprentices' contracts of early America and the freedmen's contracts of the postbellum America, can be seen as crucial and related developments in the broader paradigm of a free-labor, contract-based American society and economy.

Fast forward over one-hundred years - what is the legacy of these labor contracts? Surprisingly, apprenticeships never completely disappeared. The United States Department of Labor outlines the legacy of apprenticeships with the following:

Apprenticeships have helped build America from its early colonial beginning to the present day. Among the early apprentices who went on to national distinction were George Washington (surveyor), Benjamin Franklin (printer) and Paul Revere (Silversmith). Thousands of others - carpenters, masons, shipwrights - did their part in

developing and supporting the economy of our young nation and making the United States what it is today.<sup>201</sup>

According to the Department of Labor, apprentices shaped the United States into the nation it became. If that is true, then the goals of the contracts were absolutely realized. In 1917, the National Apprenticeship Act was put in place, legally safeguarding apprentices' rights and standardizing the system. Even in present day, apprenticeships still aim to "provide education and training" to the apprentices, thereby illustrating that the system has not changed very much since the eighteenth century.<sup>202</sup> Apprenticeships, despite their antiquated origins, are still present in a very similar form with very similar goals

As a graduating senior embarking into the workforce for the first time, I cannot help but think of the current labor situation in relation to the labor contracts I analyzed. Apprenticeships, both past and present, identify job training and education as the principal objective. Despite the intentions, apprenticeships and freedmen's labor were, contractually speaking, rather exploitative forms of labor. For my generation of graduating college students, internships seem analogous to the apprenticeships of early America. According to a recent *New York Times* article, the Department of Labor's criteria for internships "stipulates that companies that do not pay interns must provide vocational education."<sup>203</sup> While apprenticeships and freedmen labor were forms of exploitative labor of the previous centuries, internships, and unpaid internships in particular,

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<sup>201</sup> U.S. Department of Labor, "Registered Apprenticeship: Earn, Learn, Succeed," *U.S. Department of Labor*. <http://www.doleta.gov/OA/history.cfm> (accessed March 22, 2014).

<sup>202</sup> U.S. Department of Labor.

<sup>203</sup> Alex Williams, "For Interns, All Work and No Payoff," *New York Times*, February 14, 2014, [http://www.nytimes.com/2014/02/16/fashion/millennials-internships.html?\\_r=0](http://www.nytimes.com/2014/02/16/fashion/millennials-internships.html?_r=0) (accessed March 21, 2014).

resonate in the twenty-first century as the exploitative labor of the day. The Department of Labor's criterion specifies that internships need to provide educational job training to the interns in order for the labor to be deemed legal. Educational training has now been the defense of exploitative labor for over two-hundred-and-fifty-years. These forms of exploitative labor benefit the employer far more than the employee, which has been a hallmark of such labor practices for centuries. The broader question here is not if apprentices' and freedmen's labor contracts are still relevant to today, since they obviously are, but rather, should work's purpose be to train? Is the sole purpose of labor to train people how to be valuable workers? What, after all, is the goal of labor? Why do we labor? History teaches us that answers to these broad but vital questions change over time. Despite changing answers, the same questions about the nature of labor persist.